



## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION**

**Monday, December 15, 2008  
Council Room — City Hall  
4:30 p.m.**

#### **Board of Mayor and Aldermen**

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Larry Munsey

Alderman Patrick W. Shull

Alderman Jantry Shupe

#### **Leadership Team**

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

Tom Bowman, Leisure Services Director

Jim Demming, City Recorder/CFO

Craig Dye, Fire Chief

Jeff Fleming, Asst. City Manager, Development Services

Chris McCartt, Assistant to the City Mgr.

Ryan McReynolds, Public Works Director

Gale Osborne, Police Chief

Tim Whaley, Community and Gov't Relations Director

1. Call to Order
2. Roll Call
3. Work Session Tickler
4. Review of Items on December 16, 2008 Regular Business Agenda
5. Discuss Safety Improvements to S.R.126 – Michael Thompson
6. Update and Discuss King College Medical School Possibility –Mayor Phillips and John Campbell
7. Discuss Preconstruction Services by Construction Manager for Meadowview Expansion – John Campbell and Dave Mason
8. Early Look at New Public Works Productive Process – Ryan McReynolds
9. Discuss Changing BMA meeting from March 16, 17 to March 23, 24 – Mayor Dennis R. Phillips
10. Adjourn

**Citizens wishing to comment on agenda items, please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.**



**Work Session Tickler**  
*December 15, 2008*

**City Departments**

**Engineering**

***Gibson Mill Road Realignment: Hank Clabaugh, Updated December 10, 2008***

This project is separated into two contracts. Contract 1 is owned by Holston Valley Medical Center (HVMC) and Contract 2 is owned by the City of Kingsport. Thomas Construction Co. is the contractor for both contracts.

The notice to proceed date for both contracts was November 3, 2008 and the final completion for both projects is September 4, 2008.

Construction is underway. Grading (filling and cutting) is currently being performed.

The Old Boys & Girls Club demolition is complete. Portions of Cassel Drive have been closed and preparation for the new road bed has begun.

***Netherland Inn Bridge Gary Dault Updated December 11, 2008***

The bridge rail is about 75% complete. Weather the past few weeks has hindered progress, but it is still anticipated that the bridge portion of the project will be complete by January.

**Water/Sewer**

***Automated Meter Reading Chad Austin Updated December 5, 2008***

Approximately 3,800 meters have been changed out thus far. Fourteen routes (of 128) are substantially complete. The training for data collection is set for December 10-12, at which time we can put the radio read capabilities of the meters to use. Approximately 425 leak detectors have been installed. The training on use of the leak detectors has not been scheduled yet, but should be around the first of the year.

**Transportation (MPO)**

***Netherland Inn Bank Barn Bill Albright Updated December 11, 2008***

Exterior Work is nearing completion. Ongoing interior work includes finishing sheet rock, trim, light fixtures, stair wells, ceiling, paint, and final details. Some additional exterior is scheduled, which includes landscaping, and pedestrian amenities. Photos attached.

## **Special Projects**

### ***Higher Education Center***

***Jeff Fleming***

***Updated December 9, 2008***

Structural steel erection is nearly complete, the roof decking was delayed while the supports for the solar arrays were designed. The 1<sup>st</sup> floor under-slab utility rough-in continues. The concrete for the 2<sup>nd</sup> floor deck will be complete on December 9<sup>th</sup>.

### **Wayfinding**

***Jack Qualls***

***Updated December 12, 2008***

Corbin Design presented to the Wayfinding Team on Wednesday December 10, the first document draft. The presentation included an analysis of existing vehicular signage Kingsport currently has implemented in the past. They presented for review objectives and a destination list the Wayfinding signage once installed will address. This program is to enhance the visitors experience to Kingsport and provide them with navigable confidences as they travel throughout the City. This analysis also included electronic GPS navigation analysis and emphasized the importance of having a City signage system that is consistent. Another objective explained the need for hierarchy of sign types such as trailblazer signs. For example once a vehicle has gone through the Gateway signs the trailblazer sign allows the driver to see they have arrived at another destination such as downtown. Other sign types would also be needed at pedestrian levels to guide visitors through the City once they are out of their cars. Other recommendations included the adoption of Wayfinding standards to provide the City with guidance when selecting public and non-profit attractions that will be displayed on the signage. This document will be finalized soon at which time Task One will be completed. The next task includes design, sign location confirmation, and TDOT design approval. Task Two is scheduled to be completed by March 2009.

## **Transportation (Traffic)**

### ***Traffic Calming Measures***

***Michael Thompson***

***Updated December 11, 2008***

Bellingham Drive – Public hearing was held on December 10<sup>th</sup> from 11:00am – 1:00pm at the Renaissance Center, Room 230. There were only 3 citizens in attendance and 2 citizens have called in telling us they were unable to attend and gave us their comments. This totals 5 respondents with 4 in favor and 1 against. As no suggestions were made for revisions to the traffic calming plan for Bellingham, the next step is to prepare and send voting cards.

Essex & Suffolk Traffic Calming – An additional 8 traffic counts were completed throughout the Preston Forest subdivision and no other roadways met the minimum qualifications for traffic calming. These results were sent to the Neighborhood Association. We are awaiting direction from the Neighborhood Association as to whether they desire to move ahead to the voting process or not at this time.

### ***Netherland Terrace***

#### ***Street Lighting***

***Michael Thompson***

***Updated December 11, 2008***

AEP has completed a lighting design and estimate an upfront cost of \$3000 for tree trimming. The upfront cost from CSX in addition to the \$750 permit fee is still unknown at this time. AEP has advised that the permit will be mailed to CSX next week.

***Indian Trail / Stone Drive  
Signal & Median***

***Michael Thompson***

***Updated December 11, 2008***

Project is in the December 12, 2008 letting. Completion is scheduled on or before June 30, 2009.

***University Blvd.  
Street Lighting***

***Michael Thompson***

***Updated December 11, 2008***

Crews working for AEP have installed all underground conduit. Placing of poles and final wiring is all that remains to be completed. Estimated completion date given to us by AEP is December 19<sup>th</sup>, 2008.

***Joseph O. Fuller Memorial  
Bridge Lighting***

***Michael Thompson***

***Updated December 11, 2008***

Quote has been obtained for replacement poles and fixtures for the 92 bridge lights. For material only this cost is \$115,000. The next step is to evaluate the 8 electrical services to these lights and perform necessary repairs.

**Leisure Services Update**

***Kingsport Public Library***

***Helen Whittaker***

***Updated December 12, 2008***

The Smithsonian Exhibit, Earth from Space, is now up in the library. The final piece, the digital globe, will be installed December 17th. The exhibit will be at the library through February 15.

Save the date: we will be having a Smithsonian sponsor thank you party the evening of Saturday, January 17 and the City Manager, Mayor and Aldermen are invited. The exhibit curator, Andrew Johnston, will be in attendance and will give a short, informal program. Refreshments will be provided. Times to be determined.

***Parks & Recreation***

***Dog Park***

***Kitty Frazier***

***Updated November 18, 2008***

The dedication of the Dog Park site will be December 9, 2008 at 2:00 p.m. Everyone is invited. The site is fully fenced and registrations for dogs will begin in December. (During the winter a portolet will be on-site and design/construction discussions are underway related to permanent restrooms for the park.)

***Greenbelt***

***Kitty Frazier***

***Updated December 10, 2008***

The Greenbelt section located between Sullivan Street/Cherokee Village and Cloud Park will be advertised on November 16, 2008 for construction bids. Pre- bid meeting was held December 3, 2008 at 2:00 p.m. (city hall). There has been good initial response to the project and we anticipate several bid submittals. The official bid opening will be December 16, 2008 at 4:00 pm. (city hall). We will keep you informed of the bid results after they have been received and reviewed. If you have any questions feel free to call Kitty Frazier at 229-9408.

**Senior Center****Shirley Buchanan****Updated December 12, 2008**

The Kingsport Senior Center will begin offering classes at the Boys and Girls Club beginning in January 2009. Below is a list of classes that will be offered at the facility.

**Mondays**

8:30 Advanced Tai Chi/ Garry Mullins

11:30-12:30 Beginning Line Dance/ Lina Faye McConnell

12:45-1:45 Intermediate Line Dance/ Lina Faye McConnell

**Tuesdays and Thursdays**

8:15-9:15 Step Aerobics/ Terry Bolling

9:30-10:30 Core Conditioning/ Terry Bolling

10:30-11:30 Yoga/ Tish Kashdan

**Wednesdays**

8:30 Advanced Tai Chi

9:30-12:00 Open Gym

**Development Services*****Cook's Point******Rack Cross******Updated November 18, 2008***

A site visit was made to Cook's Point this week to take photographs. Building materials photographed for previous update were not visible and supposed installed. Additional grading to lots and finish to units under construction were noted.

**Cook's Point****2008 Site Visit Log**

<b>#</b>	<b>Date</b>	<b>~Time</b>	<b>Reason</b>	<b>Observation By</b>
<b>1</b>	Nov 5	2:00P	Ck ROW grass/sched. mowing	R. McReynolds
<b>2</b>	Nov 7	N/A	Mowing ROW @ Harbor Chapel	PW Mowing
<b>3</b>	Nov 13	7:50A	Take photos	Rack Cross
<b>4</b>	Nov 17	9:00A	General Observation	Mike Freeman
<b>5</b>	Nov 18	7:50A	Take photos	Rack Cross
<b>6</b>	Nov 18	11:00A	General Observation	Alan Webb
<b>7</b>	Nov 7		Storm Water Drainage Photos	Dan Wankel
<b>8</b>	Dec 1	7:50A	Take photos	Rack Cross





## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

#### **REGULAR BUSINESS MEETING**

**Tuesday, December 16, 2008  
Large Court Room – City Hall  
7:00 P.M.**

#### **Board of Mayor and Aldermen**

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh  
Vice Mayor Benjamin K. Mallicote  
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey  
Alderman Patrick W. Shull  
Alderman Jantry Shupe

#### **City Administration**

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James Demming, City Recorder

#### **I. CALL TO ORDER**

#### **II.A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **II.B. INVOCATION – Richard Dice, Pastor – The King's Highway Temple**

#### **III.B ROLL CALL**

#### **RECOGNITIONS AND PRESENTATIONS**

#### **V. APPROVAL OF MINUTES**

1. December 1, 2008 Regular Work Session
2. December 2, 2008 Regular Business Meeting

## **VI. COMMUNITY INTEREST ITEMS**

### **AA. PUBLIC HEARINGS**

#### **COMMENT**

**Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.**

### **B. BUSINESS MATTERS REQUIRING FIRST READING**

1. Consideration of an Ordinance to Amend the General Fund Budget by Increasing the Number of Positions in the Development Services Division by Adding a Researcher/Planner II Position (AF: 383-2008)
  - Ordinance – First Reading
2. Consideration of a Resolution Authorizing the Mayor to Execute a Contract to Purchase Software from VisionAir Inc. for the Police Department and an Ordinance Establishing a Project Account and Appropriating Funds for the Contract (AF: 388-2008)
  - Ordinance – First Reading
  - Resolution
3. Consideration of a Resolution Authorizing a Three Year Capital Outlay Note and an Ordinance Appropriating Funds from the Fleet Fund for the Police Technology Fund Project for Purchase of Hardware for the Police Department (AF: 390-2008)
  - Ordinance – First Reading
  - Resolution

### **C. BUSINESS MATTERS REQUIRING FINAL ADOPTION**

1. Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Martin Luther King Drive, Carver Street, Douglas Street, and Louis Street to PVD, Planned Village District (AF: 358-2008)
  - Ordinance (Zoning) – Second Reading and Final Adoption
2. Consideration of an Ordinance to Annex/Amend Zoning of the Cleek Road Annexation (AF: 354-2008)
  - Ordinance (Annexation) – Second Reading and Final Adoption
  - Ordinance (Zoning) – Second Reading and Final Adoption



**D. OTHER BUSINESS**

1. Consideration of a Resolution to Amend the Fee Resolution by Amending the Public Records Copy/Duplication Charges (AF: 378 -2008)
  - Resolution
2. Consideration of a Resolution Granting the Petition for the Establishment of an Improvement District to Provide Street Illumination of Linville Street between Lamont Avenue and Crescent Drive (AF: 381 -2008)
  - Resolution
3. Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive the International City/County Management Association Public Library Innovation Grant for an Amount up to \$60,000 (AF: 379 -2008)
  - Resolution
4. Consideration of a Resolution Accepting a Donation of Real Property from C.M. (Bill) Gatton and Authorizing the Mayor to Execute all Documents to Effectuate Acceptance of the Donation (AF: 382 -2008)
  - Resolution
5. Consideration of a Resolution to Accept a Donation of Public Art/Sculpture for Hunter Wright Stadium (AF: 386-2008)
  - Resolution
6. Consideration of a Resolution Authorizing a Change Order to the Contract with J.A. Street & Association for the Allied Health Building Project now known as the Regional Center for Health Professions (RCHP) and Authorizing the Mayor to Execute all Documents Necessary for the Change Order (AF: 385-2008)
  - Resolution
7. Consideration of a Resolution Authorizing the Re-imbursement of Materials Agreement Funds to Jerry Petzoldt for Old Island Phase II Development (AF: 384-2008)
  - Resolution
8. Consideration of a Resolution in Support of Safety Improvements & Reconstruction of SR 126/Memorial Boulevard & SR 93 to Interstate 81 (AF: 380-2008)
  - Resolution
9. Consideration of a Resolution to Authorize the Mayor to Execute Renewal Documents for the Self Funded Health Insurance Program (AF: 389-2008)
  - Resolution

**WILL BE  
AVAILABLE ON  
MONDAY 12/15/08**



## **E. APPOINTMENTS**

### **CONSENT AGENDA**

**All matters listed under the Consent Agenda are considered in the ordinary course of business by the Board of Mayor and Aldermen and will be enacted on by one motion in the form listed. If discussion is desired by either the Board or the audience, the item in question will be removed from the Consent Agenda and considered separately.**

1. Consideration of an Ordinance Amending Ordinance Number 5694 as it Pertains to Health Insurance Premiums for City Retirees(AF: 375-2008)
  - Ordinance – Second Reading and Final Adoption

## **VIII. COMMUNICATIONS**

- A. CITY MANAGER
- B. MAYOR AND BOARD MEMBERS
- C. VISITORS

**Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.**

## **IX. ADJOURN**

Minutes of the Regular Work Session of the  
Board of Mayor and Aldermen, City of Kingsport, Tennessee  
Monday, December 1, 2008, 4:30 PM  
Council Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey

Alderman Patrick W. Shull

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:30 p.m., by Mayor Phillips.
2. **ROLL CALL:** By Deputy City Recorder Gilbert. Vice-Mayor Mallicote and Alderman Shupe arrived immediately after roll call was taken.
3. **WORK SESSION TICKLER.** Mayor Phillips inquired about the status of the restroom at the dog park. City Manager replied that the dog park advisory committee is still deciding details of the facility.
4. **REVIEW OF AGENDA ITEMS ON DECEMBER 2, 2008 REGULAR BUSINESS AGENDA.** City Manager Campbell, members of staff and community members provided a summary or presentation for each item on the proposed agenda. Those items the Board discussed at greater length or which received specific questions or concerns included:

**VI.AA.2 Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Cleek Road Annexation and Consideration of a Resolution Adopting the Plan of Services** (AF: 354-2008) and the following related item:

**VI.D.6 Consideration of a Resolution Approving the Purchase of Real Property and Authorizing the Mayor to Execute all Documents Necessary to Effectuate the Purchase and Accepting a Donation of Real Property from the Cleek-Vanover Family for the East Stone Fire Station, Cleek Road Right-of-Way, and Wetlands Mitigation Area** (AF: 372-2008). Jeff Fleming, Director of Development Services and Assistant City Manager for Economic Development, provided details of this action, explaining that this property would be donated, in part, to mitigate the wetland property involved in the location of the aquatic center.

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Kingsport, Tennessee, Monday, December 1, 2008**

In summary, the City's total purchase price is \$350,000, while the donated value totals \$654,095. Kingsport Fire Chief Craig Dye confirmed that this location for a fire station covers possible future Urban Growth Boundary issues, along with serving the Crown Colony area.

In response to Board inquiry, Mr. Fleming stated that the Cleek Road project will be accomplished in two phases; the first will address the Stone Drive/Cleek Road intersection and the next phase would begin at that point and move to the top of the hill, ultimately encompassing the whole area.

**VI.B.1 Consideration of an Ordinance Amending Ordinance 5694 as it Pertains to Health Insurance Premiums for City Retirees.** Risk Manager Terry Evans presented information discussed with the City's Audit Committee regarding the City's retirees' health insurance premiums and this ordinance amendment comes out of those discussions. Ms. Evans went over the various options that the City might consider to allow continuation of sufficient benefits for current retirees and how to proceed going forward with the City's retirement benefits provided. She indicated that the Audit Committee chose to recommend Option 1 be adopted by the BMA.

Alderman Munsey, a member of the Audit Committee, along with Alderman Shull and Vice-Mayor Mallicote, clarified further that City staff had recommended Option 2 and while, theoretically, a viable choice, the Committee took into consideration the fact that the City is generous in offering health benefits to employees after only 5 to 15 years of service. He pointed out that, in Option 2, looking at the ages involved, health benefit costs would increase over 46% and the Committee, therefore, decided to present both options to the Board, but recommend Option 1. Mr. Munsey saw this as a good compromise and would reflect the Board's concern for City employees.

Vice-Mayor Mallicote further pointed out that Option 1 applies to current retirees, as of the date this option is adopted, but City staff will set a future retirement date, possibly by fiscal year end, and all employees retiring after that designated date will have the rate structure contained in Option 2 apply.

Mayor Phillips asked if there was anyone—employee or otherwise—in the audience that wanted to speak to this issue and Fire Chief Dye stated he was speaking for those in attendance who were all 30-year City employees in saying either plan would have the same effect on them due to their longevity.

**5. PRESENTATION ON PAPERLESS REPORTING/OFFICE PRODUCTIVITY.** Police Chief Gale Osborne provided background on the savings realized once the proposed software was implemented. He provides statistics on various types of reporting required and explained that current reports are not state compliant until the records clerk makes them so. With this software, reports would be immediately state compliant when entered, upon approval by a supervisor. Chief Osborne explained the process for inputting report information and eliminating the need for the records clerk's input.

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He described the advantages of being able to broadcast information, immediately, to all Kingsport officers, as well as to nearby law enforcement agencies.

Fire Chief Craig Dye spoke about advantages of this program to the City's fire department, including immediate communication with other local agencies, all of whom already are able to communicate with each other, with the exception of Kingsport. Another benefit would be access to 2009 Homeland Security funding.

Chief Osborne provided cost figures indicating the entire package costs \$887,872.24 and current funds on hand total \$273,812. With the addition of amounts budgeted in FY10 of \$183,000 and a 911 Board contribution of \$117,203.23, there is still a shortfall of \$313,857.01. The purchase is structured to require one-half of the payment up front and the remaining half is payable in 360 days. Both fire and police departments will seek grant funding to assist covering the shortfall amount.

He further stated that there is an annual maintenance amount of \$40,535.93, of which 911 will be asked to pay \$12,536.47 as its portion, leaving \$27,999.46 to be covered.

In response to Board inquiry about what the BMA may be asked, City Manager Campbell responded that debt roll-off money from next year's budget could be applied to the capital part of this upgrade and productivity gains from implementation would be applied to maintenance costs. Board members indicated their support for this upgrade.

**6. ORGANIZATIONAL ADJUSTMENT.** To accommodate a request by Alderman Munsey (who needed to leave the meeting at 6:30 p.m.), City Manager Campbell moved this agenda item up from No. 7 to No. 6, and proceeded to provide the reasoning behind this adjustment, due to the retirement of Leisure Services Director Tom Bowman. Mr. Campbell's request is to hire an economic planner/researcher in lieu of filling the vacant Leisure Services director position and eliminating that position, at this time, in the best interest of the City's need to diversify its economic base. He emphasized that this action, in no way, diminishes the City's Leisure Services area, but he is confident in the strong leadership developed by Mr. Bowman in the Library, Senior Center and Parks and Recreation department heads, going forward. These department heads would now report to Assistant to City Manager, Chris McCartt.

Mr. Campbell further clarified that he would like to expand the medical field-related job opportunities and businesses in the City, working with already existing businesses, as well as recruiting new ones to the area. Further savings would be realized in the decrease in salary for the new position.

Alderman Marsh requested to be shown, in concrete figures, how the success of this economic development position would be realized. He further inquired why NETWORKS would not be the entity to fill this need and City Manager Campbell responded that NETWORKS concentrates mainly on big projects and medical services is not its highest priority, but primarily, along with Sullivan County, Bristol and Bluff City, the focus is on major manufacturing.

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Kingsport, Tennessee, Monday, December 1, 2008**

Vice-Mayor Mallicote expressed reservations about eliminating the Leisure Services director position while affirming he doesn't have any objection to the proposed economic development position. He considers Leisure Services a fundamental City service, in the same light as public works, and will need to be further convinced that is an expendable position, even in the short term.

In consideration of Mr. Munsey's need to leave, Mayor Phillips suggested deferring any further discussion on this adjustment until next meeting.

Further, brief Board discussion was held on funding an additional amount to go toward City employees' year-end bonus compensation. Board members were divided whether or not to do so (Vice-Mayor Mallicote had stepped out momentarily). ***[Alderman Munsey left the meeting at 6:40 p.m.]*** When Vice-Mayor Mallicote returned, he indicated that he recalled the Board being intentionally conservative with this in the budget process, in order to be able to consider this bonus compensation.

**7. DISCUSSION ON THE JOINT LEGISLATIVE LUNCHEON.** Government Relations Officer Tim Whaley invited Board members to the luncheon to be held on Friday, January 9, 2009, at MeadowView Convention Resort & Conference Center. Mr. Whaley asked Board members to review the legislative information provided and let him know if they had any concerns. ***[Alderman Marsh left the meeting at 6:46 p.m.]***

**BOARD DISCUSSION.** Board members were reminded of the City employees' Christmas luncheon from 11:00 a.m. to 1:00 p.m. tomorrow, along with the Christmas Tree Reception from 4:00 to 6:30 p.m. at the Renaissance Center, and Tom Bowman's retirement reception from 6:00 p.m. to 7:00 p.m. at City Hall, just prior to the BMA business meeting.

Alderman Joh indicated she will need to leave tomorrow night's meeting early to drive to Nashville.

**8. ADJOURN.** Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 6:50 p.m.

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ELIZABETH A. GILBERT  
Deputy City Recorder

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DENNIS R. PHILLIPS  
Mayor

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, December 2, 2008, 7:00 PM  
Large Court Room – City Hall

**PRESENT:**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Vice-Mayor Benjamin K. Mallicote  
Alderman Charles K. Marsh, Jr.  
Alderman Larry A. Munsey

Alderman Patrick W. Shull  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Tom Bowman, a 38-year City employee, who recently retired from the Leisure Services Director position.
- II.B. **INVOCATION:** By Pastor Steve Hooper of the Restoration Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Valerie Joh. *[Roll call was taken after recognition of the Police Academy Graduates.]*
- IV. **RECOGNITIONS AND PRESENTATIONS.**

**A. RECOGNITION OF TOM BOWMAN.** Mayor Phillips read and presented retiring Leisure Services Director, Tom Bowman and his wife, Pam, with a proclamation detailing Mr. Bowman's City employment history, along with his many contributions to the development and success of Bays Mountain Park, along with other accomplishments such as fostering strong leadership in the Parks and Recreation, Senior Center and Library departments. The proclamation named December 2, 2008 as "Tom Bowman Day" in the City of Kingsport and the Mayor urged all citizens to join in thanking Mr. Bowman for his outstanding service to the City.

City Manager Campbell added accolades from his own personal experience of witnessing Mr. Bowman's accomplishments over the years, especially at Bays Mountain Park. Mr. Campbell presented Mr. Bowman with a watch from the City for his long-time service and thanked him profusely for his valuable contributions. Mr. Campbell also mentioned that Mr. Bowman would be continuing on, part-time, in an advisory position to oversee projects in which he has been involved and would like to see to completion.

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of the City of Kingsport, Tennessee, Tuesday, November 18, 2008**

Tom Bowman expressed his thanks to and for the citizenry of Kingsport, especially for its embracement of him since beginning his employment with the City.

**B. PROCLAMATION TO THE KINGSFORT CITY SCHOOLS BOARD OF EDUCATION.** Mayor Dennis Phillips announced that the Kingsport City Schools (KCS) Board of Education (BOE) was recently named Tennessee School Board of the Year by the Tennessee School Board Association and he read a commendation lauding the BOE for its commitment to excellence and dedication to setting high standards for education excellence. Vice-Mayor Mallicote provided each BOE members, Chair Susan Lodal, Vice-Chair Randy Montgomery, Wally Boyd, Pat Turner and Ron George, with a copy of the commendation as the Mayor thanked them for the countless hours dedicated by each.

***At this time, Mayor Phillips requested that Board members consider the agenda item in VI.D.5 and the item was discussed and passed as set out below.***

**C. RECOGNITION OF KINGSFORT POLICE DEPARTMENT (KPD) CITIZENS POLICE ACADEMY.** Chief Gale Osborne described police activities in which participant are involved during the academy and recognized the Police Academy graduates present from this 30<sup>th</sup> class. Mayor Phillips presented each attendee with a graduation certificate as Chief Osborne announced participants' names. Academy graduate Ms. Cybil Trent thanked the KPD for providing this opportunity for citizens to experience what the police department contributes to the City's public safety.

Later in the meeting, the Mayor also recognized Boy Scouts, working on their merit badges, attending from Boy Scout Troop 152.

**V. APPROVAL OF MINUTES.**

Motion/Second: Munsey/Mallicote, to approve minutes for the following meetings:

- A. November 17, 2008 Regular Work Session
- B. November 18, 2008 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Martin Luther Drive, Carver Street, Douglas Street, and Louis Street to PVD, Planned Village District (AF: 358-2008).**



**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen  
of the City of Kingsport, Tennessee, Tuesday, November 18, 2008**

**PUBLIC COMMENT ON ITEM VI.AA.1.**

Ms. Doris Early, 234 Hammond Avenue, Kingsport, requested the BMA consider allowing a referendum on this and other important decisions made by the Board. Following a statement Ms. Early made about citizens fearing repercussion for speaking publicly about City issues, Mayor Phillips reminded Ms. Early that this public comment segment was limited to comments only about the agenda item being considered ruled her out of order. He invited her to speak about any subject during the public comment segment allotted for that purpose later in the meeting.

Motion/Second: Munsey/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MARTIN LUTHER KING DRIVE, CARVER STREET, DOUGLAS STREET, AND LOUIS STREET TO PVD, PLANNED VILLAGE DISTRICT, IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Public Hearing and Consideration of Ordinances to Annex/Amend  
Zoning of the Cleeck Road Annexation and Consideration of a Resolution Adopting  
the Plan of Services (AF: 354-2008)**

Motion/Second: Marsh/Shupe, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CLEEK ROAD ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Marsh/Mallicote, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG CLEEK ROAD TO R-1B, RESIDENTIAL DISTRICT, IN THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Marsh/Shupe, to pass:

**Resolution 2009-132, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE  
CLEEK ROAD ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE**

Passed: All present voting "aye."

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**PUBLIC COMMENT ON ITEM VI.AA.2. None.**

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of an Ordinance to Amend Ordinance Number 5694 as it pertains to Health Insurance Premiums for City Retirees (AF: 375-2008).** City Attorney Billingsley provided details for this amendment action. Alderman Marsh explained the City's generous policy regarding health insurance provision to its employees and retirees and clarified that this action is intended to alleviate the City's rising health insurance costs going forward.

Motion/Second: Munsey/Mallicote, to pass:

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 5694 ADJUSTING THE RETIREE CONTRIBUTION RATE FOR HEALTH INSURANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of property Located at 2308 Overlook Road for the Kingsport City School System (AF: 369-2008).**

Motion/Second: Munsey/Mallicote, to pass:

**RESOLUTION NO. 2009-133, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 2308 OVERLOOK ROAD**

Passed: All present voting "aye."

**2. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute all Documents Necessary for the Acquisition of Properties for the Kingsport City School System (AF: 370 -2008).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-134, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE**

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**OF PROPERTIES FOR THE KINGSFORT CITY SCHOOL SYSTEM**

Passed: All present voting "aye."

**3. Consideration of a Resolution Approving an Amendment to the Downtown Redevelopment District Plan (AF: 373 -2008).** Kingsport Housing and Redevelopment Authority (KHRA) HOPE VI Director Doris Ladd provided details about this agenda item and the availability of TIF (tax increment financing), if approved.

Alderman Shull disclosed that he and his wife own a business in this redevelopment district and went on to express his discomfort with turning over the affected property to KHRA's authority rather than retaining City control.

City Attorney Billingsley, at Alderman Munsey's request, described the City's relationship with KHRA and how KHRA, as the City's housing authority, is allowed redevelopment powers by the State that are not granted to municipalities, making them desirable as the lead agency in an action such as this.

Alderman Marsh also disclosed that he owns property in this area and was advised by Mr. Billingsley that he could vote if ownership of that property would not affect his vote or he could choose to abstain. Mayor Phillips added that he also owns property in the downtown redevelopment district.

Alderman Marsh described his misgivings with tax increment financing, further commenting that it gives the appearance that the City is competing with private enterprises that are not eligible for TIF. He would like to see the City continue in its current vein of assisting downtown redevelopment, such as funding façade grants and decorative lighting. He is concerned about the fairness of selecting certain areas to benefit redeveloping with TIF while excluding others. He believes private money is essential to resuscitate the economy, not public funding.

Board discussion ensued regarding areas around the city that could also qualify for TIF if developers were willing, as in the case of east Stone Commons and Crown Point, to contribute major investments to do so. Further discussion centered on KHRA's willingness to discuss major TIF redevelopment projects with City staff before proceeding under its own authority. Ms. Ladd explained the process for any business to apply for TIF and assured Board members that City staff input would be sought and considered.

Further Board discussion followed about substantial financial contributions already made by the public, without KHRA's involvement, to redevelop downtown, such as construction of the Region Center for Applied Technology (RCAT), Regional Center for Health Professionals, Higher Education Center and, now, a parking garage.

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Mayor Phillips wound up the discussion by opining that not passing this item would be seen as a regressive message to the private sector who has invested large amounts of money in downtown, in restaurants and businesses, largely because of the City helping to jump start the redevelopment of the area.

Alderman Munsey pointed out that the TIF discussion is not germane to the action at hand and could be held at a different time.

Motion/Second: Munsey/Shupe, to pass:

**Resolution No. 2009-135, A RESOLUTION AMENDING THE REDEVELOPMENT PLAN OF THE DOWNTOWN KINGSFORT REDEVELOPMENT DISTRICT**

Passed: Mallicote, Munsey, Shupe and Phillips voting "aye" and Marsh and Shull voting "nay."

**4. Consideration of a Resolution Regarding Franchise Fees Required by the Competitive Cable and Video Services Act (AF: 361-2008).** City Attorney Billingsley presented information on this item and explained why he recommended an amendment to the originally proposed resolution and provided a substitute resolution to delete certain language referring to the term of the agreement.

Vice-Mayor Mallicote made a motion, seconded by Alderman Munsey, to amend this resolution as recommended by City Attorney Billingsley, which motion was passed by all Board members present voting "aye."

Motion/Second: Munsey/Mallicote, to pass, as amended:

**Resolution No. 2009-136, A RESOLUTION TO RETAIN THE FRANCHISE FEE AS PART OF GROSS REVENUES FOR CABLE AND VIDEO SERVICES**

Passed in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

***The following item was considered earlier, following the recognition of the KCS BOE for its honor of being named "Top School Board in Tennessee."***

**5. Consideration of a Resolution Supporting the Kingsport Board of Education and its Urging of all Eligible Employees to Vote No in the Upcoming Recognition Election (AF: 377-2008).**

Motion/Second: Shull/Shupe, to pass:

**Resolution No. 2009-137, A RESOLUTION SUPPORTING THE KINGSFORT BOARD OF EDUCATION AND ITS URGING OF ALL ELIGIBLE EMPLOYEES TO VOTE NO IN THE UPCOMING RECOGNITION ELECTION**

Passed: All present voting "aye."

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**6. Consideration of a Resolution Approving the Purchase of Real Property and Authorizing the Mayor to Execute all Documents Necessary to Effectuate the Purchase and Accepting a Donation of Real Property from the Cleek-Vanover Family for the East Stone Fire Station, Cleek Road Right-of-Way, and Wetlands Mitigation Area (AF: 372-2008).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2009-138, A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY FROM THE CLEEK-VANOVER FAMILY FOR CONSTRUCTION OF THE EAST STONE FIRE STATION; AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS; AND ACCEPTING DONATIONS OF REAL PROPERTY FROM THE CLEEK-VANOVER FAMILY FOR THE EAST STONE DRIVE FIRE STATION, CLEEK ROAD RIGHT-OF-WAY, AND WETLANDS MITIGATION AREA**

Passed: All present voting "aye."

**E. APPOINTMENTS.**

**1. Consideration of Reappointments to the Kingsport Emergency Communications District E-911 Board (AF: 371-2008).**

Motion/Second: Munsey/Mallicote, to approve the following reappointments:

- REAPPOINT MR. JAMES KEESLING TO SERVE AN ADDITIONAL THREE-YEAR TERM ON THE KINGSFORT EMERGENCY COMMUNICATIONS DISTRICT E-911 BOARD, EFFECTIVE JANUARY 1, 2009 AND EXPIRING DECEMBER 31, 2011
- REAPPOINT MR. FARRIS JACKSON TO SERVE AN ADDITIONAL THREE-YEAR TERM ON THE KINGSFORT EMERGENCY COMMUNICATIONS DISTRICT E-911 BOARD, EFFECTIVE JANUARY 1, 2009 AND EXPIRING DECEMBER 31, 2011

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

Motion/Second: Mallicote/Shupe, to adopt:

**1. Consideration of an Ordinance Amending the FY 2008-2009 General Purpose School Fund Budget (AF: 350-2008).**

Adopt:

**Ordinance No. 5789, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

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**2. Consideration of an Ordinance to Amend the Culture Arts Division Budget in the General Fund by Appropriating Funds Received from the Tennessee Arts Commission Arts Build Community Grant to Support the Art Night/City Lights Performing Arts Series (AF: 359-2008).**

**Adopt:**

**Ordinance No. 5790, AN ORDINANCE TO AMEND THE CULTURE ARTS DIVISION IN THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE ARTS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

**Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."**

**3. Consideration of an Ordinance to Amend the General Project-Special Revenue Funds by Appropriating Grant Funds Received from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (AF: 360-2008).**

**Adopt:**

**Ordinance No. 5791, AN ORDINANCE TO AMEND THE GENERAL PROJECT AND GENERAL PROJECTS-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND BY TRANSFERRING FUNDS FROM THE FIRE DEPARTMENT EQUIPMENT BUDGET (GP0708) TO ESTABLISH THE FEMA FIRE EQUIPMENT PROJECT (NC 0904); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

**Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."**

**4. Consideration of a Budget Ordinance to Appropriate the Grant Funds Received from the Economic Development Administration and the Appalachian Regional Commission for the Kingsport Higher Education Center Architect's Agreement with McCarty Holsaple McCarty Architects, Inc. (AF: 357-2008).**

**Adopt:**

**Ordinance No. 5792, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION AND FROM THE APPALACHIAN REGIONAL COMMISSION FOR CONSTRUCTION OF THE KINGSFORT CENTER FOR HIGHER EDUCATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

**Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."**

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**5. Consideration of an Ordinance to Update the City of Kingsport  
Travel Policy and Address Use of Travel Cards (AF: 366-2008).**

Adopt:

**Ordinance No. 5793, AN ORDINANCE TO ADOPT A REVISED POLICY FOR TRAVEL BY CITY EMPLOYEES ENGAGED IN CITY BUSINESS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.**

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Shull, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** Kingsport Police Chief Gale Osborne was asked to provide a brief description of the new software system the City's police department will be implementing. He explained how this system would greatly improve paperwork efficiencies and will interact with other local public safety entities to summarily share intelligence information. The Chief provided information on initial funding sources, the current shortfall amount and what reoccurring costs will involve.

City Manager Campbell shared that the City had been awarded the *Safe Roads to Schools* grant and thanked Board members for attending the City employees' Christmas luncheon earlier today.

**B. MAYOR AND BOARD MEMBERS.** Both Mayor Phillips and Alderman Marsh commented on the professionalism and proficiency of Kingsport police officers.

Alderman Shupe had attended the employee luncheon and was pleased by the number of City employees who thanked him for the day off after Christmas, as well as for the lunch. Mr. Shupe believes the City is fortunate it has such a high level of quality employees.

Alderman Marsh commented on news that King College announced it would like to establish a medical school in the area and Mr. Marsh encouraged the City Manager and Mayor to follow-up on what Kingsport can do to attract this facility. He emphasized that the BMA needs to be proactive in recruiting this opportunity and exploring financial options should be kept as a high priority, over both the aquatic center and Meadowview expansion projects.

Mayor Phillips responded that he and City Manager Campbell have spoken to King College President, Dr. Jordan, several time and will continue to do so. Discussions have indicated that the project will require about \$70 million invested and the college is considering sites in both Tennessee and Virginia, with the preference to be on or near the King College campus.

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On a different note, Mayor Phillips announced that the Kingsport Economic Development Board (KEDB) had acquired the triangle piece of property at the corner of Sullivan and Main Streets, part of the old Mullins-Quillen insulation business near the foundry property. He added that it is anticipated that an environmental clearance will be received from the Tennessee Department of Environment and Conservation (TDEC) by January 15, 2009, allowing the City's public works department to raze the metal buildings located there.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:00 p.m.

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ELIZABETH A. GILBERT  
Deputy City Recorder

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DENNIS R. PHILLIPS  
Mayor





# AGENDA ACTION FORM

## Consideration of an Ordinance to Amend the General Fund Budget by Increasing the Number of Positions in the Development Services Division by Adding a Researcher/Planner II Position

To: Board of Mayor and Aldermen  
 From: John Campbell, City Manager

Action Form No.: AF383-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: January 20, 2009  
 Staff Work By: J. Smith, J. Campbell  
 Presentation By: J. Campbell

**Recommendation:** Approve the ordinance

### **Executive Summary:**

For more than a decade, the Kingsport Board of Mayor and Aldermen has recognized the critical need to diversify the local economy. To more fully succeed in this mission, essential information must be available in short order to perspective economic recruits provided through NETWORKS, the State of Tennessee and city staff, with the latter pursuing opportunities in retail, residential, and tourism/leisure recruitment. This work requires the advance collection of essential data, including, but not limited to, a complete inventory of existing businesses and business needs, available buildings and facilities, potential sources of labor supply, prevailing local wage groups by industry category and other demographic information. In order to achieve this level of rapid response, staff recommends hiring a researcher/planner II. In the short term, funding for the position will be allocated from salary slippage in the Leisure Services Director position. This position will continue in the budget, but will held open for the remainder of the year. In the interim, the Assistant to the City Manager will coordinate the activities of Leisure Services divisions and provide oversight for associated projects.

### **Attachments:**

1. Budget Ordinance

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

**PRE-FILED**  
**CITY RECORDER**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE DEVELOPMENT SERVICES BUDET IN THE GENERAL FUND BY ADDING AN ECONOMIC RESEARCHER/PLANNER II POSITION FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, TENNESSEE, as follows:

SECTION I. That the General Fund budget be amended by amending the authorized positions in the Development Services Department's budget 110-2506 by adding an Economic Researcher/Planner II position for Fiscal Year 2008-2009 at a pay grade 45. The funds are available through salary slippage from the Leisure Services Director's position. This position is necessary due to the growing need to diversify Kingsport's economy.

SECTION II. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES H. DEMMING, City Recorder

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: \_\_\_\_\_

PASSED ON 2ND READING: \_\_\_\_\_



## AGENDA ACTION FORM

**Consideration of a Resolution Authorizing the Mayor to Execute a Contract to Purchase Software from VisionAir Inc. for the Police Department and an Ordinance Establishing a Project Account and Appropriating Funds for the Contract**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-388-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: Special Called Meeting  
 Staff Work By: D/C Phipps, Lt. Mowl,  
 Capt. Castle, Ptl. Jackson  
 Presentation By: Chief Osborne

**Recommendation:** Approve the resolution and ordinance.

**Executive Summary:**

The Public Safety Division's current data management system is outdated and does not allow for paperless reporting, or interoperability with other agencies. Our inability to share data or communicate information electronically has a direct impact on the public safety and general welfare of our community. VisionAir and Data Driven are known, proven systems that will integrate with upper East Tennessee agencies for maximum interoperability. The purchase of VisionAir complies with US General Services Administration guidelines, and the purchase of Data Driven complies with the US/GSA cooperative purchasing guidelines. T.C.A section 12-3-1001(c) permits the city to make purchases directly for goods and service included in federal general service administration contracts.

Negotiated contractual issues (including a \$24,875.15 reduction in costs) are predicated upon a contract signing by December 31, 2008. The cost of the VisionAir contract is 405,023.85. This includes the \$24,875.15 discount. At a later time a contract for purchase will be presented for the hardware from Data Driven the cost of which will be \$353,088.50. The total for both contracts is \$758,112.70.

(Executive Summary continued on the next page)

**Attachments:**

1. Resolution
2. Ordinance

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

The attached resolution authorizes the mayor to execute the contract and any other document necessary to facilitate the purchase. The ordinance establishes the project account and appropriates the funds for the contract. The funds appropriated for the contract will initially come from Criminal Forfeiture Fund - \$16,000; Drug Fund - \$75,000; Police Technology Funds - \$216,000; General Fund Fund Balance - \$98,024. The portion of the current funding taken from the general fund will be repaid with a loan from the fleet fund once the appropriate paper work is approved by the comptroller's office.

A second action form (action form 390-2009) with a resolution and ordinance will also be presented that will provide for funding of the other contract required to complete this transaction. The funding will be borrowed from the Fleet Fund by a three year capital outlay note that must be approved by the state prior to funding. Please see that action form 390-2008 for further information.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE A CONTRACT AND ANY OTHER  
DOCUMENTS NECESSARY TO PURCHASE  
HARDWARE AND SOFTWARE FROM VISIONAIR, INC.  
FOR THE CITY OF KINGSPORT PUBLIC SAFETY  
DIVISION

WHEREAS, the city's Public Safety Division's current data management system is outdated and does not allow for paperless reporting or interoperability with other agencies; and

WHEREAS, the city's inability to share data or communicate information electronically has a direct impact on the public safety and general welfare of our community; and

WHEREAS, the city desires to enter into a contract with VisionAir, Inc. for the purchase of the hardware and software to update the data management system; and

WHEREAS, VisionAir, Inc. is a known, proven system that will integrate with Upper East Tennessee agencies for maximum interoperability; and

WHEREAS, the purchase of the VisionAir, Inc. system complies with US General Services Administration guidelines; and

WHEREAS, T.C.A. section 12-3-100(c) permits the city to make purchases directly for goods and service included in federal general service administration contracts; and

WHEREAS, negotiated contractual issues (including a \$24,875.15 reduction in costs) are predicated upon a contract signing by December 31, 2008; and

WHEREAS, the cost of the VisionAir, Inc. contract is \$405,023.85, which includes the \$24,875.15 discount, plus shipping where applicable; and

WHEREAS, funding will be provided from Police Technology Fund GP0902.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS  
FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject

to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, a contract and any other documents necessary to facilitate the purpose of the contract with VisionAir, Inc., in the amount of \$405,023.85 plus shipping where applicable, for the purchase of hardware and software needed to update the City of Kingsport Public Safety Division's data management system.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of September, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE AND BY TRANSFERRING FUNDS FROM THE CRIMINAL FORFEITURE FUND AND DRUG FUND TO FUND THE WATSON/VISION AIR SYSTEM FOR THE POLICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the General Project Fund budget be amended by transferring funds in the amount of \$16,000 from the Criminal Forfeiture Fund, \$75,000 from the Drug Fund and \$108,000 from the Police Technology Fund (GP0809) to the Police Technology Fund (GP0902) to assist in the purchase of the VisionAir system to replace the Police Department's current data management to provide the capability of communicating electronically with upper East Tennessee agencies.

SECTION II. That the General Project Fund budget be amended by appropriating funds from the General Fund Undesignated Fund Balance in the amount of \$121,800 to the Police Technology Project (GP0902). The funds from the General Fund –Fund Balance will be replaced with Fleet Funds. The funds for the Data Driven system and the remaining funds for VisionAir in the amount of \$121,800 will be funded from the Fleet Fund as a loan. The police department also received a grant in the amount of \$41,812 in JG0801 to help fund this system. The total cost of VisionAir is \$405,024. The total cost of the VisionAir and Data Driven system is \$758,113.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/&lt;Decr&gt;</u>	<u>New Budget</u>
<b>Fund 110: General Fund</b>			
<b><u>Revenues:</u></b>	\$	\$	\$
110-0000-392-0100 Fund Balance Appropriation	1,543,373	98,024	1,641,397
<b>Totals:</b>	<b>1,543,373</b>	<b>98,024</b>	<b>1,641,397</b>
<b><u>Expenditures:</u></b>			
110-4804-481-7036 Transf to General Proj Fund	232,042	98,024	330,066
<b>Totals:</b>	<b>232,042</b>	<b>98,024</b>	<b>330,066</b>
<b>Fund 126: Criminal Forfeiture Fund</b>			
<b><u>Revenues:</u></b>	\$	\$	\$
126-0000-392-0318 Forfeited Assets-Federal	0	16,000	16,000

<b>Totals:</b>	<b>0</b>	<b>16,000</b>	<b>16,000</b>
<b>Expenditures:</b>			
126-4804-481-7036 To General Proj Fund	0	16,000	16,000
<b>Totals:</b>	<b>0</b>	<b>16,000</b>	<b>16,000</b>
<b>Fund 127: Drug Fund</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Revenues:</b>			
127-0000-392-0100 Fund Balance Appropriation	33,600	75,000	108,600
<b>Totals:</b>	<b>33,600</b>	<b>75,000</b>	<b>108,600</b>
<b>Expenditures:</b>			
127-4804-481-7036 To General Proj Fund	0	75,000	75,000
<b>Totals:</b>	<b>0</b>	<b>75,000</b>	<b>75,000</b>
<b>Fund 311: General Project Fund</b>			
<b>Police Technology Fund (GP0809)</b>			
<b>Revenues:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
311-0000-391-0100 From General Fund	108,000	(108,000)	0
<b>Totals:</b>	<b>108,000</b>	<b>(108,000)</b>	<b>0</b>
<b>Expenditures:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
311-0000-601-9004 Equipment	108,000	(108,000)	0
<b>Totals:</b>	<b>108,000</b>	<b>(108,000)</b>	<b>0</b>
<b>Fund 311: General Project Fund</b>			
<b>Police Technology Fund (GP0902)</b>			
<b>Revenues:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
311-0000-391-0100 From General Fund	108,000	297,024	405,024
<b>Totals:</b>	<b>108,000</b>	<b>297,024</b>	<b>405,024</b>
<b>Expenditures:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
311-0000-601-9004 Equipment	108,000	297,024	405,024
<b>Totals:</b>	<b>108,000</b>	<b>297,024</b>	<b>405,024</b>

SECTION III. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: \_\_\_\_\_

PASSED ON 2ND READING: \_\_\_\_\_



## AGENDA ACTION FORM

**Consideration of a Resolution Authorizing a Three Year Capital Outlay Note and an Ordinance Appropriating Funds from the Fleet Fund for the Police Technology Fund Project for Purchase of Hardware for the Police Department**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-390-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: January 13, 2009  
 Staff Work By: D/C Phipps, Lt. Mowl,  
 Capt. Castle, Ptl. Jackson  
 Presentation By: Chief Osborne

**Recommendation:** Approve the resolution and ordinance.

**Executive Summary:**

This is the second action for the purchase of the data management system for the Police Department for paperless reporting, or interoperability with other agencies. The three year capital outlay note, if approved by the state, will allow the city to borrow funds from the fleet fund to refund the general fund the appropriation made for the VisionAir contract and to fund the purchase of the remaining hardware for the data management system. In action form 388-2008 the board was asked to authorize and fund the purchase of the software. The action requested by this action form will authorize funding for the purchase of the hardware. The resolution for contract for the purchase will be presented at the January 13, 2009 meeting, after the state has approved the capital outlay note, which will provide the mechanism for the funding of that contract. That contract will be with Data Driven in the amount of \$353,088.50. The total purchase price for both contracts will be \$758,112.70.

The attach resolution after approval by the board will be sent to the state for approval. The attached ordinance appropriates on first reading the funding for the Data Driven contract, so that once the state approves the note and the board approves a resolution approving the contract with Data Driven, the funding will be in place for the contract.

**Attachments:**

1. Resolution
2. Ordinance

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

**THREE-YEAR CAPITAL OUTLAY NOTES**

**RESOLUTION OF THE GOVERNING BODY  
THE CITY OF KINGSPORT, TENNESSEE, AUTHORIZING  
THE ISSUANCE, SALE, AND PAYMENT OF  
CITY OF KINGSPORT GENERAL FUND CAPITAL OUTLAY NOTES  
NOT TO EXCEED 451,200**

WHEREAS, the Governing Body of the City of Kingsport, Tennessee (the Local Government has determined that it is necessary and desirable to provide funds for the following public works project (the "Project"): The purchase of the Vision Air and Data Driven system will replace the Public Safety Division's data management system to provide the capability of communicating electronically with upper East Tennessee agencies.

(If multiple projects are involved, attach separate sheet identifying each project, its estimated economic life, and the portion of the Notes to be applied to the cost of such project;) and,

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Kingsport, Tennessee as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed four hundred and fifty-one thousand and two hundred Dollars (\$451,200) (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "City of Kingsport General Fund Capital Outlay Notes, Series 2008", shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed three percent (3.0%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably

expected economic life of the Project, which is hereby certified by the Governing Body to be at least seven years. Provided, however that each year the Notes are outstanding, one-sixth ( $1/6$ ), but in no event not less than one-ninth ( $1/9$ ), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by N/A.

(If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here.

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the Mayor of the Local Government and the manual signature of the City Recorder with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the City Recorder of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the City Treasurer of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the State

Director of Local Finance and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That , the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

Section 9. That, upon the opinion of bond counsel, the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That , after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 11. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 16 day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

# PRE-FILED CITY RECORDER

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VISIONAIR SYSTEM AND TO FUND THE DATA DRIVEN SYSTEM FOR THE POLICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the General Fund budget be amended by appropriating funds from the Fleet Fund in the amount of \$98,024 to repay the General Fund – Fund Balance for the VisionAir System and by appropriating \$353,089 to the Police Technology Fund (GP0902) to purchase the Data Driven system for the Police Department. The Fleet Funds will be an internal loan to the General Fund at 3% interest for a three year period in the amount of \$451,113. The total cost of the VisionAir and Data Driven system is \$758,113.

**Account Number/Description:**

**Fund 511: Fleet Fund**

**Revenues:**

511-0000-392-0100 Fund Balance

***Totals:***

<b><u>Budget</u></b>	<b><u>Incr/&lt;Decr&gt;</u></b>	<b><u>New Budget</u></b>
\$	\$	\$
2,609,027	451,113	3,060,140
<b>2,609,027</b>	<b>451,113</b>	<b>3,060,140</b>

**Expenditures:**

511-5008-501-7001 Transfer to General Fund

***Totals:***

\$	\$	\$
0	451,113	451,113
<b>0</b>	<b>451,113</b>	<b>451,113</b>

**Fund 110: General Fund**

**Revenues:**

110-0000-392-0100 Fund Balance Appropriation

110-0000-391-5100 Transfer to General Fund

***Totals:***

\$	\$	\$
1,641,397	(98,024)	1,543,373
0	451,113	451,113
<b>1,641,397</b>	<b>353,089</b>	<b>1,994,486</b>

**Expenditures:**

110-4804-481-7036 Transf to General Proj Fund

***Totals:***

\$	\$	\$
232,042	353,089	585,131
<b>232,042</b>	<b>353,089</b>	<b>585,131</b>

**Fund 311: General Project Fund**  
**Police Technology Fund (GP0902)**

**Revenues:**

311-0000-391-0100 From General Fund  
311-0000-

***Totals:***

\$	\$	\$
405,024	353,089	758,113
<u>405,024</u>	<u>353,089</u>	<u>758,113</u>

**Expenditures:**

311-0000-601-9004 Equipment  
***Totals:***

\$	\$	\$
405,024	353,089	758,113
<u>405,024</u>	<u>353,089</u>	<u>758,113</u>

SECTION III. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

ATTEST:

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: \_\_\_\_\_

PASSED ON 2ND READING: \_\_\_\_\_



## AGENDA ACTION FORM

**Consideration of an Ordinance to Amend the Zoning Code, Text and Map, to Zone Property along Martin Luther King Drive, Carver Street, Douglas Street, and Louis Street to PVD, Planned Village District**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-358-2008  
 Work Session: December 1, 2008  
 First Reading/(Public Hearing Held):  
 December 2, 2008

Final Adoption: December 16, 2008  
 Staff Work By: Karen Combs  
 Presentation By: Karen Combs

**BMA Strategic Plan 2005-2006**

(CV=Core Value, KSF=Key Success Factor, KSO=Key Strategic Objective)

CV #:

KSF #

KSO #

**Recommendation:**

- Approve ordinance amending the zoning ordinance to rezone along Martin Luther King Drive, Carver Street, Douglas Street, and Louis Street to PVD.

**Executive Summary:**

The request is to rezone property along Martin Luther King Drive, Carver Street, Douglas Street, and Louis Street (known as part of the Riverview Community) from B-3, General Business District and R-4, Multi-Family Residential District to PVD, Planned Village District. The rezoning request is made by the Kingsport Housing Authority as part of the HOPE VI project and will allow redevelopment at this location to be integrated with the existing neighborhood using Neo-traditional planning principles and flexible design. The Kingsport Regional Planning Commission unanimously sent a favorable recommendation for this request during their October 18, 2008 meeting to the Board of Mayor and Alderman. The Kingsport Housing Authority did hold neighborhood meeting at the Central Baptist Church on October 27, 2008 to answer questions. There were no objections to the rezoning. The Notice of Public Hearing was published November 10, 2008.

**Attachments:**

1. Staff Report
2. ~~Notice of Public Hearing~~
3. Zoning Ordinance
4. Map

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Maness	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Phillips	—	—	—





## AGENDA ACTION FORM

### Consideration of Ordinances to Annex/ Amend Zoning of the Cleek Road Annexation

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF: 354-2008

Work Session: December 1, 2008

First Reading/(Public Hearing Held):  
 December 2, 2008

Final Adoption: December 16, 2008

Staff Work By: K. Weems

Presentation By: K. Weems

### Recommendation:

- Approve ordinance for the Cleek Road Annexation
- Approve ordinance amending the zoning ordinance for the Cleek Road Annexation

### Executive Summary:

This is the "Cleek Road" Annexation of approximately 8.4 acres along Cleek Road, with a population of zero residents. The current county zoning of the area is A-1 (Agricultural & Residential). The proposed city zoning for the area is R-1B. Adjacent zoning consists of county A-1 (the surrounding Cleek Farm), City M-1R (light manufacturing), and City R-1B (single family residential). Water service will require an extension for this annexation. Sanitary sewer service already serves the annexation area. During its October 2008 regular meeting, the Kingsport Regional Planning Commission voted unanimously (7-0) to send a positive recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has received zero opposition as of November 18, 2008. The Notice of Public Hearing was published on November 17, 2008.

### Attachments:

1. Staff Report
2. ~~Notice of Public Hearing~~
3. Annexation Petition
4. Cost Analysis
5. Annexation Ordinance
6. Zoning Ordinance
7. ~~Resolution~~
8. Map

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—



**Consideration of a Resolution to Amend the Fee Resolution by Amending the Public Records Copy/Duplication Charges**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF 378-2008  
 Work Session: December 15, 2008  
 First Reading: N/A

Final Adoption: December 16, 2008  
 Staff Work By: Gilbert/Billingsley  
 Presentation By: Billingsley

**Recommendation:** Approve the resolution.

**Executive Summary:**

During the past legislative year the General Assembly amended the Open Records Act. Among the amendments is Section 6 of Public Chapter 1179, Acts of 2008. This section required the Office of Open Records to establish a schedule of reasonable charges to assess in response to public records' requests, which has been done. The effect of this legislation and the schedule developed by the Office of Open Records will reduce the city's current charge from \$.25 per page (after the first five pages) to \$.15 for black and white copies and \$.50 per page for color copies. Additionally, labor charges may now be charged for the time spent locating, retrieving, reviewing, redacting and reproducing the records if the labor exceeds one hour.

To comply with the requirements of the amended Act, it is recommended the board revise Chapter 2 – Administration of the current Schedule of Fees and Charges to reflect the state-mandated copy charge amount, including labor, and allowing for up to 10 pages be provided at no charge due to the labor involved in processing a fee less than \$1.50. Upon approval, the recommended changes become effective immediately.

**Attachments:**

1. Resolution

Funding source appropriate and funds are available: N/A

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## **RESOLUTION NO. 2009-139**

### **A RESOLUTION TO AMEND RESOLUTION NO. 2008-218 AND RATES, FEES AND CHARGES THEREIN**

WHEREAS, by Resolution No. 2008-218, amended by Resolution No. 2009-139 [Supplement No. 1], the Board of Mayor and Aldermen of the City of Kingsport, Tennessee set the rates, fees and charges as set by the Kingsport Code of Ordinances; and

WHEREAS, pursuant to Section 6 of Public Chapter 1179, Acts of 2008 the Office of Open Records Counsel has developed allowable charges for request for public records; and

WHEREAS, it is now deemed advisable to amend Resolution No. 2008-218 with Supplement No. 1 to set fees under Chapter 2 – Administration, for fees charged to produce public records requested;

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:  
Tennessee as follows:

SECTION I. That fees be established, effective December 16, 2009, within Resolution 2009-139 as follows:

#### **Chapter 2 - Administration**

##### **D. Public Records**

##### **2. Copy/duplication**

- (a) Per page (after first 10 pages) \$ .15
- (b) Audio Cassette Tape \$5.00
- (c) Videotape \$5.00
- (d) Compact Disc \$5.00
- (e) Digital Video Disc \$5.00
- (f) Cost of labor, in excess of one hour, spent locating, retrieving, redacting and reproducing requested records.

SECTION II. That this resolution shall become effective December 16, 2008 and remain in force and effect until such time as it is revoked, further amended, or superseded.

ADOPTED this the 16th day of December, 2008.

ATTEST:

\_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

\_\_\_\_\_  
ELIZABETH A. GILBERT  
Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, City Attorney



## AGENDA ACTION FORM

**Consideration of a Resolution Granting the Petition for the Establishment of an Improvement District to Provide Street Illumination of Linville Street between Lamont Avenue and Crescent Drive.**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-381-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: December 16, 2008  
 Staff Work By: M. Thompson  
 Presentation By: R. McReynolds

**Recommendation:** Approve the resolution.

**Executive Summary:**

Traffic Division staff have been working with the Fairacres Neighborhood Association over the past four years to determine a feasible lighting solution for the streets within Fairacres. The standard City provided street lighting includes overhead wiring and wooden poles. This is problematic in this neighborhood from an aesthetic standpoint for several reasons. First, the wooden poles are not decorative nor do they reflect the historical nature of the community. Second, the overhead wiring would require significant tree cutting / trimming to allow for the installation, as well as perpetual maintenance. After talks stalled on moving forward with a plan for the entire subdivision, the desire to move forward with a section of Linville Street arose. The residents representing 69.8% of the foot frontage of the area in question signed the attached petition requesting the creation of a street light improvement district that would require everyone along this section of roadway to pay upfront costs based upon the street frontage of their property. The total estimated upfront cost is estimated by Appalachian Power to be \$37,396.69 as of 12-12-2007. The \$15.00 per foot rate was calculated from the \$37,396.69 plus \$1850.00 for possible tree replacements and then 6% contingency was added and finally a 10% administration fee was added as required by City Code. With the attached petition the petitioners are also requesting that monthly installments over 5 years be allowed and the BMA would have the power to charge interest for the monthly installment plan. The action requested is the first step in the process, with the preparation and passage of the street light improvement district ordinance after additional public notification being the next step.

**Attachments:**

1. Resolution
2. Citizen Petition
3. Copy of City Code

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION GRANTING A PETITION REQUESTING THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT AND THE LIGHTING THEREOF IN THE RESIDENTIAL AREA OF FAIRACRES, MORE PARTICULARLY, THE PORTION OF LINVILLE STREET BEGINNING ON LAMONT STREET AND ENDING AT CRESCENT DRIVE

WHEREAS, the city has been working with the Fairacres Neighborhood Association to determine a feasible lighting solution for the streets within the residential area of Fairacres; and

WHEREAS, pursuant to Article IA, Section 19 of the Charter of the City of Kingsport, the residents representing sixty-nine and eight tenths percent (69.8%) of the frontage of land abutting the portion of Linville Street beginning on Lamont Street and ending at Crescent Drive in the residential area of Fairacres hereby file a petition with the board of mayor and aldermen requesting the establishment of an improvement district and the lighting thereof of the above described street area; and

WHEREAS, pursuant to Article IA, Section 19, Subsection (2) of the Charter of the City of Kingsport, upon the filing of such petition the board of mayor and aldermen may, in its discretion, either grant same or reject the same; and

WHEREAS, the requested lighting system consists of 150 watt Holophane fixtures on 24 foot fiberglass poles with Washington style shrouds; and

WHEREAS, the total upfront cost of the project, estimated to be \$37,396.69 plus \$1850 for possible tree replacements, a six percent (6%) contingency fee, and a ten percent (10%) administrative fee, will be divided among the residents determined by the linear-foot street frontage of their individual lot(s); and

WHEREAS, cost to residents will not exceed \$15.00 per linear foot and payments can be made in monthly installments over a five (5) year period; and

WHEREAS, the board of mayor and aldermen may, at its discretion, charge interest for the monthly installment plan; and

WHEREAS, if granted the petition will be followed, at a later date but prior to any work being done, by a request for adoption of an ordinance specifying that the work is being done by virtue of the petition filed, naming the location and terminal points of the district to be improved by adequate lighting, and giving reference to the petition by the date of its filing.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the petition requesting the establishment of an improvement district and the lighting thereof in the residential area of Fairacres, more particularly, the portion of Linville Street beginning on Lamont Street and ending at Crescent Drive, at an upfront cost estimated to

be \$37,396.69 plus \$1850 for possible tree replacements, a six percent (6%) contingency fee, and a ten percent (10%) administrative fee, to be divided among the residents determined by the linear-foot street frontage of their individual lot(s) but not exceeding \$15.00 per linear-foot with payments to be made in monthly installments over a five (5) year period is granted.

SECTION II. That creation of an improvement district and performance of any work on the street illumination project will not proceed until the board approves an ordinance specifying that the work is being done by virtue of the petition filed, naming the location and terminal points of the district to be improved by adequate lighting, giving reference to the petition by the date of its filing, and inserting the estimated total cost of such improvement together with the maximum rate per front foot.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th, day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## PETITION

### **Petition to the Kingsport Board of Mayor and Aldermen requesting the establishment of an Improvement District and the lighting thereof.**

This petition is to request that the Kingsport Board of Mayor and Aldermen create an Improvement District to provide Street Illumination in the Residential area of Fairacres, more particularly, the portion of Linville Street beginning at Lamont Street and ending at Crescent Drive. The requested lighting system consists of 150 watt Holophane fixtures on 24' fiberglass poles with Washington style shrouds. The total upfront cost of the project will be divided among residents.

The portion of total cost for each resident will be determined by the linear-foot street frontage of his/her individual lot(s).

The cost to residents will not exceed \$15.00 per linear foot and payments can be made in monthly installments over a 5 year period.

**By signing this petition the undersigned avers the willingness to pay for installing this lighting system, to be assessed according to the frontage of the property owned by each petitioner.**

Street Address	Street Frontage (Feet)	Maximum Cost	Max. Monthly Cost (60 mo.)*	Name (Please Print)	Signature
1401 Linville Street	100	\$ 1,500.00	\$ 25.00	Michael K Locke	Michael K. Locke
				Debra S. Locke	Debra S. Locke
1402 Linville Street	100	\$ 1,500.00	\$ 25.00	Delta C. Childress	
1405 Linville Street	100	\$ 1,500.00	\$ 25.00	Martha S. Harrison	Martha S. Harrison
1406 Linville Street	90	\$ 1,350.00	\$ 22.50	Sarah Strang	
1409 Linville Street	100	\$ 1,500.00	\$ 25.00	Kyle K. Cross	Kyle K. Cross
				Celine P. Cross	Celine P. Cross
1410 Linville Street	110	\$ 1,650.00	\$ 27.50	Kenneth M. Lamb	Kenneth M. Lamb
				Linda S. Lamb	Linda S. Lamb
1413 Linville Street	100	\$ 1,500.00	\$ 25.00	Emily H. Jennings	
				S. Lucile Jennings	
1414 Linville Street	100	\$ 1,500.00	\$ 25.00	Craig M. Kilgore	
				Tammie A. Kilgore	
1416 Linville Street	100	\$ 1,500.00	\$ 25.00	K. Huddle Ladd	
				Wayne Noble Wayne	
1417 Linville Street	100	\$ 1,500.00	\$ 25.00	Paul Asbury, Jr.	
				Janet A. Asbury	

\* - Maximum monthly cost shown is principal only. Kingsport BMA has the right to charge interest if monthly installments are desired by property owner(s).

## PETITION

### **Petition to the Kingsport Board of Mayor and Aldermen requesting the establishment of an Improvement District and the lighting thereof.**

This petition is to request that the Kingsport Board of Mayor and Aldermen create an Improvement District to provide Street Illumination in the Residential area of Fairacres, more particularly, the portion of Linville Street beginning at Lamont Street and ending at Crescent Drive. The requested lighting system consists of 150 watt Holophane fixtures on 24' fiberglass poles with Washington style shrouds. The total upfront cost of the project will be divided among residents.

The portion of total cost for each resident will be determined by the linear-foot street frontage of his/her individual lot(s).

The cost to residents will not exceed \$15.00 per linear foot and payments can be made in monthly installments over a 5 year period.

**By signing this petition the undersigned avers the willingness to pay for installing this lighting system, to be assessed according to the frontage of the property owned by each petitioner.**

Street Address	Street Frontage (Feet)	Maximum Cost	Max. Monthly Cost (60 mo.)*	Name (Please Print)	Signature
1420 Linville Street	100	\$ 1,500.00	\$ 25.00	Dorothy D. Knierim	
1421 Linville Street	100	\$ 1,500.00	\$ 25.00	Paul A. Bishop James M. Potente	James M. Potente
				Wilcie S. Bishop Leanne C. Potente	Leanne C. Potente
1425 Linville Street	100	\$ 1,500.00	\$ 25.00	Steven C. Rose	Deceased
				Catherine M. Rose Catherine M. Rose	Catherine M. Rose
1426 Linville Street	100	\$ 1,500.00	\$ 25.00	Jeff D. McCord	
				Catherine McCord C	Catherine McCord
1429 Linville Street	100	\$ 1,500.00	\$ 25.00	Phillip D. Shupe	Phillip D. Shupe
				Roseanna Shupe	Roseanna Shupe
1430 Linville Street	100	\$ 1,500.00	\$ 25.00	Catherine Jane Brailsford, Trustee	
1433 Linville Street	95	\$ 1,425.00	\$ 23.75	James Sutherland Cornell	James Sutherland Cornell
				Linda Lee Cornell	Linda Lee Cornell
1434 Linville Street	100	\$ 1,500.00	\$ 25.00	William K. Rogers	
				Allyson E. Rogers	

\* - Maximum monthly cost shown is principal only. Kingsport BMA has the right to charge interest if monthly installments are desired by property owner(s).



## PETITION

### Petition to the Kingsport Board of Mayor and Aldermen requesting the establishment of an Improvement District and the lighting thereof.

This petition is to request that the Kingsport Board of Mayor and Aldermen create an Improvement District to provide Street Illumination in the Residential area of Fairacres, more particularly, the portion of Linville Street beginning at Lamont Street and ending at Crescent Drive. The requested lighting system consists of 150 watt Holophane fixtures on 24' fiberglass poles with Washington style shrouds. The total upfront cost of the project will be divided among residents.

The portion of total cost for each resident will be determined by the linear-foot street frontage of his/her individual lot(s).

The cost to residents will not exceed \$15.00 per linear foot and payments can be made in monthly installments over a 5 year period.

**By signing this petition the undersigned avers the willingness to pay for installing this lighting system, to be assessed according to the frontage of the property owned by each petitioner.**

Street Address	Street Frontage (Feet)	Maximum Cost	Max. Monthly Cost (60 mo.)*	Name (Please Print)	Signature
1500 Linville Street	90	\$ 1,350.00	\$ 22.50	Edwin Jackson Gannaway	<i>Jack Gannaway</i>
				Christie F. Gannaway	<i>Christie Gannaway</i>
1501 Linville Street	75	\$ 1,125.00	\$ 18.75	Melissa Watkins	
				William D. Watkins	
1505 Linville Street	75	\$ 1,125.00	\$ 18.75	Danny A. Wampler <i>Danny Wampler</i>	<i>Danny Wampler</i>
				Cynthia D. Wampler <i>Cynthia Wampler</i>	<i>Cynthia Wampler</i>
1506 Linville Street	75	\$ 1,125.00	\$ 18.75	Cam A. King	
				Maxine W. King	
1509 Linville Street	75	\$ 1,125.00	\$ 18.75	Dewey W. Johnson <i>Dewey W. Johnson</i>	<i>Dewey W. Johnson</i>
				Pamela L. Johnson <i>Pamela L. Johnson</i>	<i>Pamela L. Johnson</i>
1510 Linville Street	75	\$ 1,125.00	\$ 18.75	Carl C. Swann, Jr.	<i>Carl C. Swann, Jr.</i>
				Leslie S. Swann	<i>Leslie S. Swann</i>
1513 Linville Street	75	\$ 1,125.00	\$ 18.75	Michael R. Smith	<i>Michael R. Smith</i>
				Melinda M. Smith	<i>Melinda M. Smith</i>
1514 Linville Street	115	\$ 1,725.00	\$ 28.75	John W. Demuth	<i>John W. Demuth</i>
1517 Linville Street	90	\$ 1,350.00	\$ 22.50	Phyllis J. Venable	<i>Phyllis Venable</i>

\* - Maximum monthly cost shown is principal only. Kingsport BMA has the right to charge interest if monthly installments are desired by property owner(s).

### PETITION

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The portion of total cost for each resident will be determined by the linear-foot street frontage of his/her Individual lot(s).

The cost to residents will not exceed \$15.00 per linear foot and payments can be made in monthly installments over a 5 year period.

**By signing this petition the undersigned avers the willingness to pay for installing this lighting system, to be assessed according to the frontage of the property owned by each petitioner.**

Street Address	Street Frontage (Feet)	Maximum Cost	Max. Monthly Cost (60 mo.)*	Name (Please Print)	Signature
1521 Linville Street	90	\$ 1,350.00	\$ 22.50	Edithann Buckles	<i>Edithann Buckles</i>
1522 Linville Street	125	\$ 1,875.00	\$ 31.25	Harry G. Waggoner	<i>HARRY G. WAGGONER</i>
				Debra Hixon Waggoner	<i>Debra H. Waggoner</i>
1525 Linville Street	95	\$ 1,425.00	\$ 23.75	William Marion Conerly, III	
				Mary Judith Conerly	
1526 Linville Street	131	\$ 1,965.00	\$ 32.75	Keith A. Justis	<i>Keith A. Justis</i>
				Suzanne B. Justis	<i>Suzanne B. Justis</i>
1534 Linville Street	92	\$ 1,380.00	\$ 23.00	J. David Miller	
				Linda Miller	

\* - Maximum monthly cost shown is principal only. Kingsport BMA has the right to charge interest if monthly installments are desired by property owner(s).

## **ARTICLE IA. LOCAL IMPROVEMENTS**

### **Sec. 19. Supplementary method and procedure for the creation of improvement districts to provide street illumination in residential areas.**

The board of mayor and aldermen, upon petition signed by the owner or owners of fifty-one percent (51%) of the frontage of the lots or parcels of land abutting on such portions of any streets within the corporate limits as set out in the petition, shall have power to provide by ordinance for the improvement of such street by erecting and equipping lamp posts, light towers or other instrumentalities to light such street or the part thereof in front of the property abutting such street or part thereof; and it shall have power to provide for making special levies or assessments or exacting local contributions upon, on and from, the land abutting on such street to be improved in the manner hereinafter set forth, so as to provide funds to pay for such improvements.

(1) In order to bring the contemplated improvement of any street within the provisions of this act, the owner, or owners of not less than fifty-one percent (51%) of the frontage of the lots or parcels of land abutting on such street shall first file with the board of mayor and aldermen a petition requesting the establishment of an improvement district and the lighting thereof. Such petition shall set forth the point on such street where such system of lighting shall begin and terminate; the character of posts, towers, standards or instrumentalities desired, and shall aver the willingness of each of the signers of said petition to pay for installing such lighting system, to be assessed according to the frontage of the property owner by each petitioner. Each signer shall, opposite his name, designate the location of his lot by street number or otherwise, and the frontage thereof abutting on said street. A substantial compliance with this section shall be sufficient to authorize the board of mayor and aldermen to proceed in the premises, and no formal or immaterial defect shall invalidate any petition.

(2) Upon the filing of such petition, the board of mayor and aldermen may in its discretion, either grant same or reject the same. If such petition is granted, the board of mayor and aldermen shall have full power and authority to cause such street to be improved by adequate lighting thereof.

(3) Before any work shall be done on any improvement herein authorized, it shall be the duty of the board of mayor and aldermen to adopt an ordinance that said improvement shall be made, which shall specify that the work is being done by virtue of the petition filed, shall name the location and terminal points of the district to be improved by adequate lighting, and shall give a reference to said petition by the date of its filing. The estimated total cost of such improvement, together with the maximum rate per front foot shall be inserted in said ordinance, and after the adoption and confirmation of such ordinance, the city shall have no right to collect more per front foot than the maximum rate per front foot set forth in such ordinance, but shall pay any excess out of its general funds. Provided, however, that no lot shall be assessed in an amount in excess of the benefits to such lot, the matter of benefits to be passed upon and finally determined by the board of mayor and aldermen at or before the time for levying said assessments; and should any assessment exceed the amount of benefits to accrue to such lot by reason of said improvements, then such excess shall be borne by the city. A notice of the passage of such ordinance shall be given by publication one (1) time in a daily newspaper published within the City of Kingsport admonishing all interested property owners to appear on a day to be named therein, not earlier than ten (10) days after the date of publication, to protest against the confirmation of such ordinance if they so desire. Said notice need not set forth the entire ordinance but shall contain a description of the terminal points of the proposed district, shall set forth in general terms the proposed improvement, the total estimated cost thereof, and the maximum rate per front foot to be assessed against the abutting property. On the day prescribed in said notice, the board of mayor and aldermen shall meet to hear remonstrances or protests against the construction of said improvement, and at said meeting, or at a time and place to which the same may be adjourned, all persons whose property will be affected by said improvement may appear in person, by attorney, or by petition and protest against the construction of said improvement, and after hearing such protests, if any, the board of mayor and aldermen may confirm, modify or rescind such ordinance. If protest be filed and overruled, no work shall be done or contract let for

ten (10) days from the date of such overruling, within which time it shall be the duty of all persons whose protests have been overruled and who claim that said improvement, as ordered, is for any reason illegal, to cause to be reviewed the right of the board of mayor and aldermen to make said improvement in the form or shape ordered by filing the proper proceeding in a court of competent jurisdiction. All persons failing to protest in the manner above set forth, or failing to file proceedings for review in a court of competent jurisdiction within the time herein prescribed, shall be conclusively held to have consented to the improvement and to pay the proportionate part of the cost thereof to be assessed against the lands abutting said improvement, and shall be conclusively held to waive any objections to the power of the municipality to make said improvement as ordered.

(4) From and after the date the confirmation of any such ordinance becomes final, the City of Kingsport shall have the power to contract for the construction of such improvement or any part thereof and, or, shall have power to construct the same or any part thereof with its own forces, but an accurate account of the cost thereof shall be kept. Every item of cost, together with an unitemized charge of ten percent (10%) of all sums otherwise expended, which shall cover the cost to the city of printing, advertising, clerical help, collection of funds, legal advice, stenographic fees, abstracts, plats and accounting, shall be assessable against the abutting property in the manner herein provided, subject however, to the maximum rate per front foot set forth in such ordinance, or order of confirmation or modification.

(5) After the completion and acceptance of said improvement, the board of mayor and aldermen shall, subject to the limitation of the maximum rate per front foot, assess the entire cost of said improvement upon and against the several lots of land abutting the street according to their respective frontage; and all such assessments shall be and constitute a lien on the respective lots upon which they are levied, superior to all other liens except those of the state and county for taxes or the municipality for opening, widening, paving and otherwise improving the street itself. The enforcement by the state, or county, or city, of its lien for taxes or front foot assessments on any lot upon which has been levied an assessment for any improvement authorized by this act, shall not operate to discharge, or in any manner, affect the city's lien for said assessment; but the purchaser at a tax sale, or sale to enforce the lien of a front foot assessment for street purposes, shall take the same subject to the lien of an assessment and if bought by the state, county, or city, any conveyance of the title thus acquired, or any redemption, shall be subject to the lien of such assessment.

(6) When the amount to be assessed against each lot of land for any improvement shall have been ascertained, the city recorder shall cause a well-bound book to be prepared which shall show the names of the owners of the property assessed, if known, and opposite each name, the description of such lot or parcel of land assessed belonging to such owner and the amount assessed against each, and shall contain an appropriate column in which payments may be credited and the lien of the assessment marked "Satisfied", and if the name of the owner to be assessed be unknown, said book shall contain under the head of "Owner Unknown", a list of property to be assessed, the owners of which are unknown. After the completion of the entries in said book, the city recorder shall thereupon give notice by one (1) publication in a daily newspaper published in the city, that said book is open to inspection at his office.

In addition, said notice shall contain the general character of the improvement and the location thereof, and designate a time and place, not less than ten (10) days from the date of publication, at which the board of mayor and aldermen will meet to hear and determine any objection or defense presented by any owner or [of] property affected by said assessment. All persons whose property is to be assessed may, at any time, on or before the date named in said notice, and before the meeting of the board of mayor and aldermen, file in writing in the office of the city recorder their objection or defense to the proposed assessment of the amount thereof, and at the meeting on the date named, or any date to which said meeting may be adjourned, said board of mayor and aldermen shall hear and determine said objections or defenses to the assessments and after so doing, shall confirm, modify or set aside the assessment. If no objection or defense to the assessment or the amount thereof is filed within the time prescribed herein, or if the property owner fails to appear in person or by attorney and present the same with his reasons therefor to the board of mayor and aldermen at the hearing, the assessment shall be confirmed and made final.

(7) All assessments levied by virtue of this act, shall become due and payable from and after the order of the board of mayor and aldermen fixing the same. Upon entry of the order fixing the same, the assessment roll shall be transmitted to the city treasurer who shall proceed with the collection of the amounts assessed against each lot. Said assessments, shall become delinquent sixty (60) days after the entry of the order by the board of mayor and aldermen fixing them and shall thereafter bear six (6%) percent interest and a penalty of ten (10%) percent.

The board of mayor and aldermen may provide that any assessment levied by virtue of this act, shall be payable in equal installments; and when the number of installments shall be determined, the first installment shall become delinquent in sixty (60) days after the date of such assessment, and the subsequent installments shall become delinquent periodically thereafter until all are paid in full, principal and interest. The board and [of] mayor and aldermen may further provide that any such assessment payable in equal installments shall bear interest at a rate not exceeding the maximum rate provided by law from the time of the assessment aforesaid until the same assessment shall be paid. Such assessments payable in equal installments shall also, as hereinbefore provided, be liens upon the land or lots so assessed.

The owner of any lot or parcel of land abutting on said improvement district desiring to exercise the privilege of payment by installments shall, before the expiration of the sixty (60) days aforesaid, enter into an agreement in writing with the city that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same as required by law, with the specified interest. Such agreement shall be filed in the office of the city recorder. Provided, however, that the whole amount of the assessment made upon or against any lot or parcel of land abutting on said improvement district, with the interest then due, may be paid by the lot owner at his option at the time such levy is made, or at any installment period thereafter. If the lot owner makes default in the payment of any installment and interest thereon, all of the installments, with interest shall become delinquent and immediately due and payable.

After the delinquent date the lien on the respective lots for such assessments shall be foreclosed and the collection of assessments enforced by the city, and the city may join in any suit all lots and delinquent owners in the improvement district, but shall not be required to do so. The property thus sold may be redeemed at any time during a period of two (2) years and after sale on payment of the assessment, interest, penalties and all court costs and other costs accruing on account of such sale.

At such sale no bid less than the amount of the interest, penalties and costs, shall be received and in the absence of such bid, the city treasurer, on behalf of the city, shall bid in the same, and if struck off to such city, and after the redemption period, the property shall be held by the city in fee simple absolute subject to the lien of the taxes and assessments set forth in section 6 hereof.

Any court having jurisdiction of any suit brought for the enforcement of the lien of such assessments shall, in addition have the power to order a sale, have power and authority to appoint a receiver to collect the rents and profits of such lots and apply the proceeds thereof to the payment of costs, assessments, interest and penalties.

Any sale made under the provisions of this act, shall be governed as to notice, terms, costs and in all other respects by the rules of chancery practiced now, or hereafter enforced, governing sales of land by the chancery courts of this state.

(8) If any assessment levied for any improvement authorized by this act be declared invalid by reason of any mistake or irregularity in the proceeding, the board of mayor and aldermen shall have the power at any time before the expiration of three (3) years from and after the determination of such invalidity, to reassess such property and may, when necessary, reassess all property abutting upon the street improved, the assessment on which had not been paid.

(Pvt. Acts 1991, Ch. 119, § 1)



## AGENDA ACTION FORM

**Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply and Receive the International City/County Management Association Public Library Innovation Grant for an Amount up to \$60,000**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Agenda Form No.: AF-379-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: December 16, 2008  
 Staff Work: Whittaker/Baker  
 Presentation: Whittaker

**Recommendation:** Approve the resolution

**Executive Summary:** The main purpose of this grant is to create a town hall venue to educate the public about current and future City projects, services and programs; to provide an opportunity for citizens to provide input; to build the capacity of the City of Kingsport and the Kingsport Public Library leaders in an effort to support innovation; and to increase the public's knowledge of the 21<sup>st</sup> century library and their leadership role in the community.

The library will install a 5'x8' reactive media platform to create a live kiosk that can be interacted with the wave of a hand or motion. Information about various city projects and city services would be projected onto the kiosk to give an interactive experience for citizens using EyeTouch/EyeClick technology.

This grant does NOT require any matching funds.

### **Attachments:**

1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL  
DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND  
RECEIVE INTERNATIONAL CITY/COUNTY MANAGEMENT  
ASSOCIATION PUBLIC LIBRARY INNOVATION GRANT FUNDS

WHEREAS, the city desires to apply for and receive an International City/County Management Association Public Library Innovation Grant, in an amount up to \$60,000, for installation at the Kingsport Public Library of a reactive media platform to create a live kiosk that will provide citizens with access to information about various city projects and services using EyeTouch/EyeClick technology; and

WHEREAS, matching funds are not required.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive an International City/County Management Association Public Library Innovation Grant, in an amount up to \$60,000 with no matching funds required, for installation at the Kingsport Public Library of a reactive media platform to create a live kiosk that will provide citizens with access to information about various city projects and services using EyeTouch/EyeClick technology.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## AGENDA ACTION FORM

### **Consideration of a Resolution Accepting a Donation of Real Property from C. M. (Bill) Gatton and Authorizing the Mayor to Execute all Documents to Effectuate Acceptance of the Donation**

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-382-2008  
 Work Session: December 15, 2008  
 First Reading: N/A

Final Adoption: December 16, 2008  
 Staff Work By: Demming, Billingsley  
 Presentation By: M. Billingsley

**Recommendation:** Approve the resolution.

### **Executive Summary:**

C. M. (Bill) Gatton has generously agreed to donate approximately 8.91 acres of real property to the city abutting Reedy Creek. The property is located behind his current development on East Stone Drive across from the Kingsport Pavilion complex. Attached is a map showing the location of the property that will be donated. The property will provide the city with the opportunity to continue its effort to protect the Reedy Creek basin from commercial or residential development, which could create conditions for flooding.

The property will serve as a buffer between the creek and the development currently underway. Mr. Gatton is reserving a drainage easement across the property for drainage to Reedy Creek from his property and the property he previously subdivided and conveyed away in the original tract of land he owned there.

### **Attachments:**

1. Resolution
2. Map
3. Draft of Deed of Gift

Funding source appropriate and funds are available: \_\_\_\_\_

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO ACCEPT A DONATION OF REAL  
PROPERTY FROM C. M. GATTON AND TO AUTHORIZE THE  
MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND  
PROPER TO EFFECTUATE THE DONATION

WHEREAS, the City of Kingsport continues to acquire property abutting Reedy Creek to protect the area from development close to the creek; and

WHEREAS, C. M. Gatton desires to donate a tract of real property approximately 8.91 acres abutting a portion of Reedy Creek,

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS  
FOLLOWS:

SECTION I. That the board of mayor and aldermen accept the donation of real property by Deed of Gift from C. M. Gatton generally described as follows:

SITUATE, lying and being in in the City of Kingsport, 11th Civil District of Sullivan County, Tennessee, and more particularly described as follows:

BEGINNING at a point said point being the northernmost point of the property herein conveyed said point being 92.36 feet from the southern right-of-way of East Stone Drive on bearing North 04° 16' West and being a point in common with the eastern line of the Davis property and the western line of Lot 1R as shown on the plat entitled "Division of C. M. Gatton Property" recorded in Plat Book \_\_\_, page \_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee; thence with the western line of lot 1R South 69° 44' East, 100.77 feet to a point; thence South 42° 01' East, 245.94 feet to a point; thence North 62° 05' East, 379.43 feet to an iron rod (old); thence North 62° 05' East, 798.36 feet to an iron rod (old); thence North 31° 10' West, 42.69 feet to an iron rod (old); thence North 58° 51' East, 199.90 feet to an iron rod (old); thence North 88° 57' East, 140.36 feet to a point; thence South 16° 53' West, 100.18 feet to a point; thence South 23° 58' West, 87.71 feet to a point; thence South 46° 00' West, 64.66 feet to a point; thence South 54° 23' West, 75.80 feet to a point; thence South 68° 00' West 167.63 feet to a point; thence South 77° 17' West, 149.48 feet to a point; thence South 69° 48' West, 100.68 feet to a point; thence South 45° 19' West, 65.30 feet to a point; thence South 02° 57' West, 75.66 feet to a point; thence South 36° 39' East, 94.34 feet to a point; thence South 06° 11' East, 75.03 feet to a point; thence South 14° 27' West, 82.54 feet to a point; thence South 82° 50' West, 91.09 feet to a point; thence North 55° 01' West, 128.55 feet to a point; thence North 29° 40' West, 82.76 feet to a point; thence South 48° 29' West, 50.00 feet to a point; thence South 08° 13' East, 80.16 feet to a point; thence South 34° 38' West, 71.06 feet to a point; thence South 19° 24' East, 98.23 feet to a point; thence South 09° 23' West, 41.23 feet to a point;

thence South 45° 44' West, 75.29 feet to a point; thence South 75° 31' West, 128.89 feet to a point; thence North 79° 43' West, 77.62 feet to a point; thence North 60° 08' West; 97.08 feet to a point; thence North 30° 12' West, 82.64 feet to a point; thence North 02° 12' West, 182.13 feet to a point; thence North 11° 04' East, 182.39 feet to a point; thence North 16° 16' East, 75.00 feet to a point; thence North 14° 53' West, 66.22 feet to a point; thence North 69° 44' West, 52.00 feet to a point; thence North 04° 16' West, 54.92 feet to a point being the point of BEGINNING, containing 8.91 acres more or less and being all of Lot 4 as shown on the plat entitled "Division of C. M. Gatton Property" recorded in Plat Book \_\_\_, page \_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee to which reference is here made.

AND BEING part of the property conveyed to C. M. Gatton by deed of \_\_\_\_\_ dated \_\_\_\_\_ and recorded in Deed Book \_\_\_, page \_\_\_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee to which reference is here made.

SECTION II. That the Deed of Gift may include reservation of certain drainage easements for Mr. Gatton and others as indicated in the Deed of Gift.

SECTION III. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney the Deed of Gift for the donated property and such other documents necessary and proper to effectuate the donation, including documents showing the real property has been donated to the city and the tax exempt status of the city.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

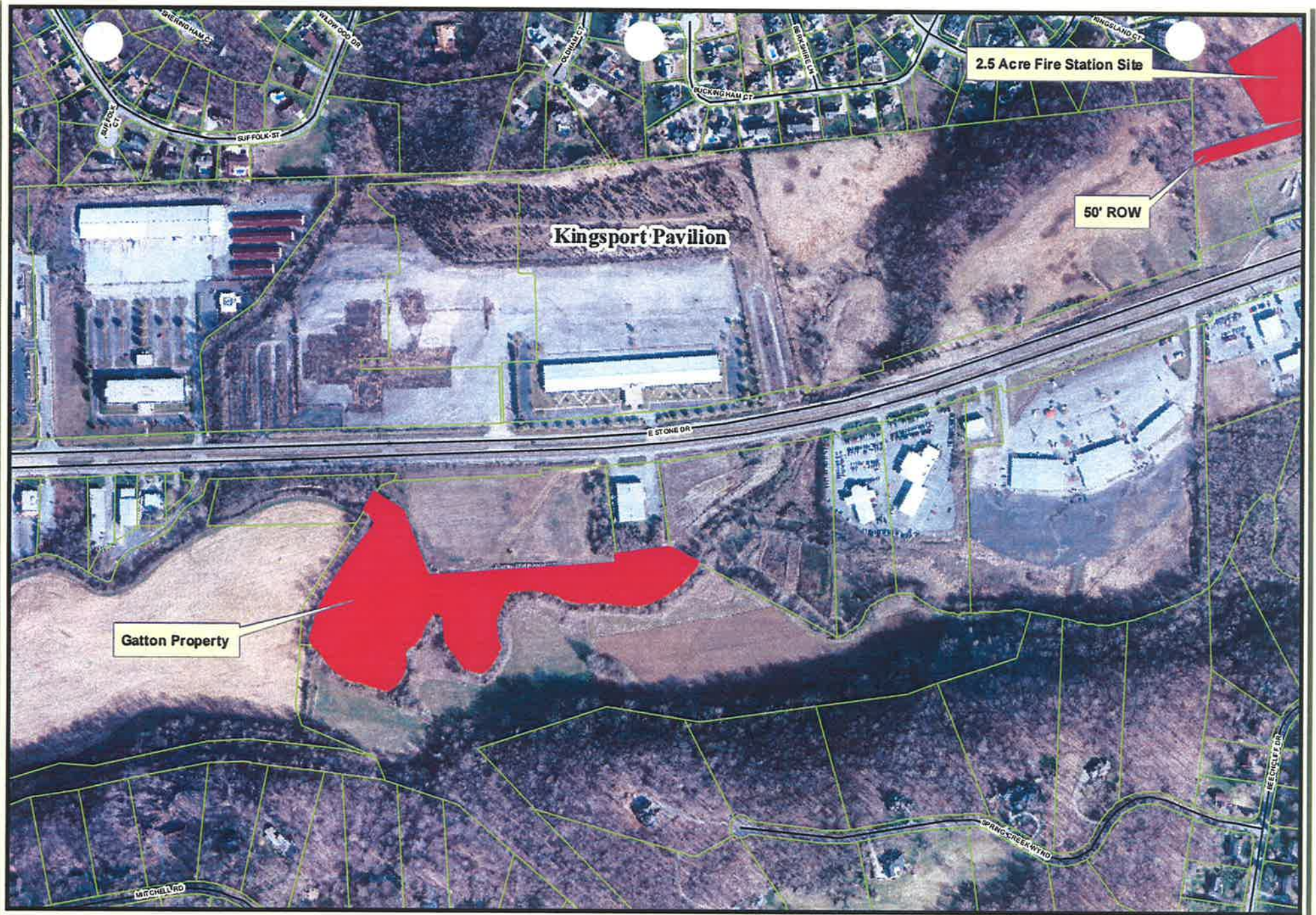
ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY





WY 1.0002  
 This map is a reproduction of the original map and is not a substitute for the original map. The original map is the only authoritative source for the information shown on this map. The original map is available for purchase from the City of Kingsport, Tennessee. The original map is available for purchase from the City of Kingsport, Tennessee. The original map is available for purchase from the City of Kingsport, Tennessee.

# Kingsport, Tennessee

Date: 12-05-08  
 Map File Name - 15474wo6693

**Legend**

- gattonproperty
- Fire Station
- ROW
- Street Center Lines
- Parcels

0 100 200 400 600 Feet



Prepared by the City of Kingsport  
 Geographic Information Systems (GIS)





### DEED OF GIFT

THIS DEED OF GIFT, made and entered into this the \_\_\_\_ day of December, 2008, by and between C. M. GATTON, a resident of Sullivan County, Tennessee, hereinafter referred to as Grantor, and the CITY OF KINGSFORT, TENNESSEE, a municipal corporation, hereinafter referred to as Grantee.

### WITNESSETH:

WHEREAS, the Grantee desires to provide a buffer from development around Reedy Creek in this general location; and

WHEREAS, the Grantor has agreed to donate the hereinafter property to the Grantee for its use;

NOW, THEREFORE, for and in consideration of the premises and of the interest which Grantor has in the assisting the Grantee in generally preserving the natural buffer around Reedy Creek the Grantor hereby gives and conveys unto the Grantee, its successors and assigns all right, title and interest in and to a certain tract of land in Sullivan County, Tennessee, described as follows, to wit:

SITUATE, lying and being in in the City of Kingsport, 11th Civil District of Sullivan County, Tennessee, and more particularly described as follows:

BEGINNING at a point said point being the northernmost point of the property herein conveyed said point being 92.36 feet from the southern right-of-way of East Stone Drive on bearing North 04° 16' West and being a point in common with the eastern line of the Davis property and the western line of Lot 1R as shown on the plat entitled "Division of C. M. Gatton Property" recorded in Plat Book \_\_\_\_, page \_\_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee; thence with the western line of lot 1R South 69° 44' East, 100.77 feet to a point; thence South 42° 01' East, 245.94 feet to a point; thence North 62° 05' East, 379.43 feet to an iron rod (old); thence North 62° 05' East, 798.36 feet to an iron rod (old); thence North 31° 10' West, 42.69 feet to an iron rod (old); thence North 58° 51' East, 199.90 feet to an iron rod (old); thence North 88° 57' East, 140.36 feet to a point; thence South 16° 53' West, 100.18 feet to a point; thence South 23° 58' West, 87.71 feet to a point; thence South 46° 00' West, 64.66 feet to a point; thence South 54° 23' West, 75.80 feet to a point; thence South 68° 00' West 167.63 feet to a point; thence South 77° 17' West, 149.48 feet to a point; thence South 69° 48' West, 100.68 feet to a point; thence South 45° 19' West, 65.30 feet to a point; thence South 02° 57' West, 75.66 feet to a point; thence South 36° 39' East, 94.34 feet to a point; thence South 06° 11' East, 75.03 feet to a point; thence South 14° 27' West, 82.54 feet to a point; thence South 82° 50' West, 91.09 feet to a point; thence North 55° 01' West, 128.55 feet to a point; thence North 29° 40' West, 82.76 feet to a point; thence South 48° 29' West, 50.00 feet to a point; thence South 08° 13' East, 80.16 feet to a point; thence South 34° 38' West, 71.06 feet to a point; thence South 19° 24' East, 98.23 feet to a point; thence South 09° 23' West, 41.23 feet to a point; thence South 45° 44' West, 75.29 feet to a point; thence South 75° 31' West, 128.89 feet to a point; thence North 79° 43' West, 77.62 feet to a point; thence North 60° 08' West; 97.08 feet to a point; thence North 30° 12' West, 82.64 feet to a point; thence North 02° 12' West, 182.13 feet to a point; thence North 11° 04' East, 182.39 feet to a point; thence North 16° 16' East, 75.00 feet to a point; thence North 14° 53' West, 66.22 feet to a point; thence North 69° 44' West, 52.00 feet to a point; thence North 04° 16' West, 54.92 feet to a point being the point of BEGINNING, containing 8.91 acres more or less and being all of Lot 4 as shown on the plat entitled "Division of C. M. Gatton Property" recorded in Plat Book \_\_\_\_, page \_\_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee to which reference is here made.

AND BEING part of the property conveyed to C. M. Gatton by deed of \_\_\_\_\_ dated \_\_\_\_\_ and recorded in Deed Book \_\_\_\_, page \_\_\_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee to which reference is here made.

TO HAVE AND TO HOLD unto the Grantee, in fee simple forever, subject to the following:

- (a) Ad valorem taxes for the year 2008, which taxes are to be prorated between the parties as of the date of this Deed;
- (b) any any covenants, conditions, restrictions, or easements contained in former deeds or other instruments of record applicable to the property, insofar as the same are presently binding thereon;
- (c) any easement or encumbrance apparent from a visual inspection of the property; and
- (d) a perpetual easement in favor of the Grantor, his heirs and assigns, over this parcel for the purpose of draining surface water run-off and to construct and maintain such drainage facilities to convey such surface water run-off from property identified as Lot 1R in a plat entitled "Division of C. M. Gatton Property" recorded in Plat Book \_\_\_, page \_\_\_ in the Office of the Register of Deeds for Sullivan County, Tennessee.

WITNESS the execution hereof by the respective parties or their authorized representatives as of the day and year first above written.

\_\_\_\_\_  
C. M. GATTON

CITY OF KINGSPORT, TENNESSEE

By: \_\_\_\_\_  
DENNIS R. PHILLIPS, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth A. Gilbert, Deputy City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. Michael, Billingsley, City Attorney

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared C. M. GATTON, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal this \_\_\_\_ day of December, 2008.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_  
STATE OF TENNESSEE  
COUNTY OF SULLIVAN

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared Dennis R. Phillips, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the Mayor of The CITY OF KINGSPORT, TENNESSEE, the within-named bargainor, a municipal corporation, and that he as such Mayor executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Mayor.

WITNESS my hand and official seal this \_\_\_\_ day of December, 2008.

My commission expires:

\_\_\_\_\_  
Notary Public

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

The undersigned affiant being first duly sworn, makes oath that the actual consideration for the foregoing transfer, or the value of the property hereinbefore described, whichever is greater, is exempt.

\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me, this \_\_\_\_\_ day of \_\_\_\_\_,  
2008.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_  
Name and address of the person or entity responsible  
for the payment of the real property tax:

City of Kingsport  
225 West Center Street  
Kingsport, Tennessee 37660



## AGENDA ACTION FORM

### Consideration of a Resolution to Accept a Donation of Public Art/Sculpture for Hunter Wright Stadium

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Agenda Form No.: AF 386-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: December 16, 2008  
 Staff Work: Kitty Frazier  
 Presentation: Chris McCart

### **BMA Strategic Plan 2005-2006**

(CV=Core Value, KSF=Key Success Factor, KSO = Key Strategic Objective)

CV #1 - Value Citizens

KSF #7 - Superior Quality of Life

KSO # - N/A

### **Recommendation:**

Approve the resolution to accept the donation

### **Executive Summary:**

Hunter Wright has donated a beautiful bronze statue to the city of Kingsport for an area in front of Hunter Wright baseball Stadium. The sculpture represents a youth baseball player and adds to the city's public art inventory. The value of the sculpture is \$9,700.00. This new artwork is a great addition to the baseball facility.

### **Attachments:**

1. Sculpture photo
2. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—







RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO ACCEPT A DONATION OF A BRONZE  
STATUE FOR HUNTER WRIGHT STADIUM FROM MR.  
HUNTER WRIGHT

WHEREAS, the city desires to accept the gracious donation of a beautiful bronze statue, representing a youthful baseball player, from Mr. Hunter Wright for placement in an area in front of Hunter Wright Baseball Stadium; and

WHEREAS, the statue is a welcomed addition to the stadium grounds and adds to the city's public art inventory.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS  
FOLLOWS:

SECTION I. That the donation of the bronze statue, representing a youthful baseball player, from Mr. Hunter Wright for placement in an area in front of Hunter Wright Baseball Stadium is accepted.

SECTION II. That the City Manager is authorized to execute a receipt for Mr. Wright's donation for tax purposes.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## AGENDA ACTION FORM

**Consideration of a Resolution Authorizing a Change Order to the Contract with J.A. Street & Associates for the Allied Health Building Project now Known as the Regional Center for Health Professions (RCHP) and Authorizing the Mayor to Execute all Documents Necessary for the Change Order.**

To: Board of Mayor and Aldermen  
From: John G. Campbell, City Manager

Action Form No.: AF-385-2008  
Work Session: December 15, 2008  
First Reading: December 16, 2008

Final Adoption: December 16, 2008  
Staff Work By: D. Mason  
Presentation By: Campbell

**Recommendation:** Approve the resolution.

**Executive Summary:**

The contract for the construction of the Allied Health Building, now known as the Regional Center for Health Professions (RCHP), was originally entered into by the Kingsport Economic Development Board with J.A. Street & Associates on October 16, 2007 for a Guaranteed Maximum Price. Change Orders Number 1 and 2 were approved by KEDB during construction. After the building was substantially complete, the contract was assigned to the City with approval of the BMA.

The final cost of the building was less than the Guaranteed Maximum Price by \$492,400, of which 50% is retained by the contractor under the terms of the contract. The remaining savings in the amount of \$246,200 will be applied toward the funding of a number of enhancements to the project.

Change Order No. 3 provides for several additions to the project; building signage identifying it as the Regional Center for Health Professions, and a dedication plaque, the necessary modifications to provide a third City office space in the building, the installation of bicycle racks, an irrigation system, and the conversion of overhead utilities to underground in order to facilitate the removal of the overhead utilities and poles that cross the parking lot, and the complete renovation of the parking lot to include curbs, paving, striping, new decorative lighting, and landscaping. After applying the project savings, the net cost for change order no. 3 is \$55,475.54.

The funds for this change order are available in project GP0800.

**Attachments:**

1. Resolution

Funding source appropriate and funds are available: \_\_\_\_\_

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE ALLIED HEALTH BUILDING PROJECT NOW KNOWN AS THE REGIONAL CENTER FOR HEALTH PROFESSIONS (RCHP) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

WHEREAS, change orders number 1 and 2 for the project were previously approved by the Kingsport Economic Development Board (KEDB) prior to the contract being assigned to the City of Kingsport; and

WHEREAS, the project has recognized savings under the original GMP amount, in the amount of \$492,400.00; and

WHEREAS, 50% of the project savings, in the amount of \$246,200.00, is retained by the Contractor per the terms of the contract; and

WHEREAS, the City of Kingsport desires to increase the scope of the contract to provide building signage, bicycle racks, an irrigation system, convert a storage space into office space for use by the City, re-configure and re-pave the Clinchfield parking lot, add a parking area on Clay Street and provide underground utility work in the amount of \$301,675.54, necessary to complete the project; and

WHEREAS, the net change to the contract amount is \$55,475.54; and

WHEREAS, funding is available in Project GP0800.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Change Order #3 to the contract with J.A. Street & Associates, Inc. for the Allied Health Building Project, to provide building signage, bicycle racks, an irrigation system, convert a storage space into office space for use by the City, re-configure and re-pave the Clinchfield parking lot, add a parking area on Clay Street and provide underground utility work in the amount of \$55,475.54, is approved.

SECTION II. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney, all documents necessary and proper to effectuate Change Orders #3 to the contract with J.A. Street & Associates, Inc. for the Allied Health Building Project.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16<sup>th</sup> day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## AGENDA ACTION FORM

### Consideration of a Resolution Authorizing the Re-imbursement of Materials Agreement Funds to Jerry Petzoldt for Old Island Phase II Development

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF-384-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008

Final Adoption: NA  
 Staff Work By: R. McReynolds  
 Presentation By: R. McReynolds

#### **BMA Strategic Plan 2005-2006**

(CV=Core Value, KSF=Key Success Factor, KSO=Key Strategic Objective)

CV #:

KSF #

KSO #

**Recommendation:** Approve the resolution

#### **Executive Summary:**

In an effort to promote smart growth and infield development as well as encourage the new housing market within the Kingsport city limits, the City of Kingsport passed the Materials Agreement Policy as set forth in Resolution 2007-084. Developers have the opportunity to enter into an agreement with the City whereas the City furnishes the water and sewer materials for the developers use within the developer's proposed subdivision. The developer would be responsible for posting a cash bond covering the cost of the materials that would be available for refund (minus sales tax) once the project is completed and has been approved by the City Engineer and the Regional Planning Commission.

Pursuant to the policy, the BMA entered into a Materials Agreement with Jerry Petzoldt related to Old Island Phase II (AF-127-2008) in the amount of \$118,027.86. Upon construction, adjustment due to sales tax, and close out of the necessary materials, the Developer is due \$111,538.58.

To date, including this development, the program has supported 644 new/proposed lots within the City of Kingsport. Of those lots, 20 Certificates of Occupancy have been issued to date.

#### **Attachments:**

1. Resolution
2. Closeout Worksheet
3. Location Map

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION AUTHORIZING REIMBURSEMENT OF  
MATERIALS AGREEMENT FUNDS TO JERRY PETZOLDT FOR  
THE OLD ISLAND PHASE II DEVELOPMENT

WHEREAS, pursuant to the Materials Agreement Policy as set forth in Resolution 2007-084, Jerry Petzoldt entered into a Materials Agreement in May 2008, in the amount of \$118,027.86, with the city for provision of certain water and sewer materials by the city for the Old Island Phase II Development; and

WHEREAS, upon construction, adjustment due to sales tax, and close out of the necessary materials the developer is due reimbursement funds, in the amount of \$111,538.58 for the Old Island Phase II Development.

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That reimbursement of Material Agreement funds, in the amount of \$111,538.58, to Jerry Petzoldt for the Old Island Phase II Development is approved.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY

## Materials Agreement Close out

Project: Old Island Phase II  
Date: December 10, 2008  
Developer: Mark Hartgrove/Jerry Petzoldt

### Water line

Item #	Item description	Units	U/M	Price	Total	Units Returned	Total Cost Returned	Non-returned Units	Non-returned Cost
41810	6" x 18' push on dip pipe	4.0	jts.	\$191.36	\$765.44	4.00	\$767.23		\$0.00
41864	8" x 18' push on dip pipe	330.0	jts.	\$253.53	\$83,664.01	49.00	\$12,424.40		\$0.00
42115	3.6" bury hydrant	7.0	ea	\$1,054.70	\$7,382.80		\$0.00		\$0.00
40835	8" joint restraint kit	24.0	ea	\$25.00	\$600.00		\$0.00		\$0.00
42215	8" x 7.5" mj short sleeve	2.0	ea	\$32.70	\$65.40		\$0.00		\$0.00
42325	6" mj gate valve	7.0	ea	\$333.00	\$2,331.00		\$0.00		\$0.00
43031	8" x 8" x 6" anchoring tee	7.0	ea	\$101.14	\$707.98		\$0.00		\$0.00
41794	8" flat plug w/2" tap mj	3.0	ea	\$33.11	\$99.33		\$0.00		\$0.00
42335	8" mj gate valve	7.0	ea	\$562.21	\$3,935.47		\$0.00		\$0.00
41795	8" flat plug mj	1.0	ea	\$22.70	\$22.70		\$0.00		\$0.00
41828	6" mj acc. Kit	21.0	ea	\$9.80	\$205.80		\$0.00		\$0.00
42100	8" x 8" mj tee	2.0	ea	\$79.24	\$158.48		\$0.00		\$0.00
42530	8" x 11 1/4 mj bend	36.0	ea	\$49.82	\$1,793.52	19.00	\$946.58		\$0.00
42540	8" x 22 1/2 mj bend	13.0	ea	\$51.94	\$675.22	9.00	\$467.46		\$0.00
42525	8" x 45 mj bend	1.0	ea	\$51.41	\$51.41		\$0.00		\$0.00
42535	8" x 90 mj bend	4.0	ea	\$59.36	\$237.44	4.00	\$237.44		\$0.00
42845	6" x 18" mj anchoring coupling	7.0	ea	\$75.79	\$530.53		\$0.00		\$0.00
40845	6" mega lugs and acc.	60.0	ea	\$31.75	\$0.00		\$0.00		\$0.00
41829	8" mj acc. Kit	2.0	ea	\$11.93	\$23.86		\$0.00		\$0.00
N/S	8" lock ring gasket for DI pipe	38.0	ea	\$50.23	\$1,908.74	1.00	\$50.23	0.0	\$0.00
					Total Amount Returned:		\$14,893.34		
							Non-returned totals:		\$0.00



## Materials Agreement Close out

Project #	WA0863								
	Expensed To:								
Subtotal:	451-0000-605-9003				\$105,159.23				
				Subtotal less returns:	\$90,265.89				
	REVISED SALES TAX			9.50%	\$8,575.26				
	Amount paid and Receipted To:								
Subtotal:	451-0000-208-1250				\$107,788.00				
Sales Tax:	451-0000-207-0201			9.50%	\$10,239.86				
	Total Paid			Water Total:	\$118,027.86				
	Sales Tax Adjustment				-\$1,664.60				
								Subtotal:	\$109,452.60
Water	Total Refund Due Developer								\$109,452.60
Note: Purchased by developer and needs to be added to total of reimbursement									\$2,085.98
Total refund Due Developer with added reimbursable purchases:									\$111,538.58

All parties signing this document agree that the items listed, along with their quantities, were received, used and/or returned as shown on this document. Any items due to the City of Kingsport must be received before the materials agreement between the City of Kingsport and the developer is closed out.

City of Kingsport Warehouse: By SA Date: 12-10-08

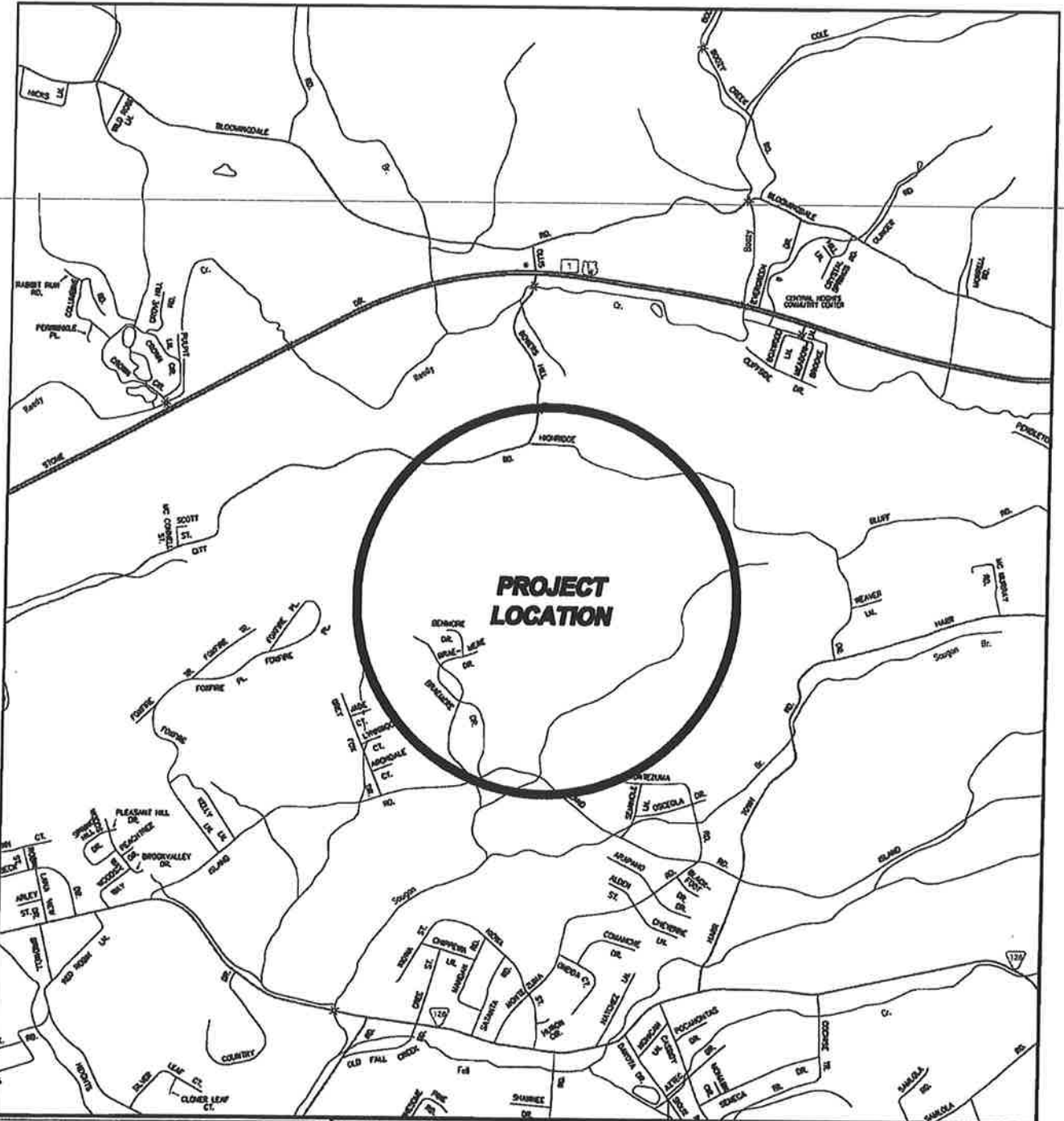
City of Kingsport Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Developer: \_\_\_\_\_ Date: \_\_\_\_\_





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ALL BEARINGS KORN  
(KINGSPOST GEODETIC  
REFERENCE NETWORK)



# OLD ISLAND DEVELOPMENT PHASE II

MAY 2, 2008

NO SCALE



## AGENDA ACTION FORM

### Consideration of a Resolution in Support of Safety Improvements & Reconstruction of SR 126/Memorial Boulevard & SR 93 to Interstate 81

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Action Form No.: AF- 380-2008  
 Work Session: December 15, 2008  
 First Reading: December 16, 2008  
 Final Adoption: D

Staff Work By: Albright/  
 Campbell/Thompson/Whaley  
 Presentation By:  
 Albright/Campbell/Thompson/Whaley

### Recommendation:

Adopt the Resolution affirming efforts by the Northeast Tennessee Legislative Delegation to seek funding for immediate safety improvements to State Route 126/Memorial Boulevard and reconstruction of State Route 93 from the Sullivan Gardens Parkway to Interstate 81.

### Executive Summary:

Representative-elect Tony Shipley is working diligently on behalf of the City of Kingsport and Sullivan County to secure timely safety improvements to State Route 126/Memorial Boulevard as an advance component of the overall reconstruction of SR 126; and, working cooperatively with Representative Dale Ford, seeking to accelerate an advanced planning report and reconstruction of State Route 93 from the Sullivan Gardens Parkway to Interstate 81. This Resolution affirms their efforts, and that of the Northeast Tennessee Legislative Delegation, to secure funding for these projects

### Attachments:

1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

## **RESOLUTION NO.**

### **A RESOLUTION SUPPORTING THE NORTHEAST TENNESSEE LEGISLATIVE DELEGATION IN THEIR EFFORTS TO SEEK IMPROVEMENTS TO STATE ROUTE 126/MEMORIAL BOULEVARD AND STATE ROUTE 93**

WHEREAS, the City of Kingsport has long identified both SR 126/Memorial Boulevard and SR 93 through the Kingsport Metropolitan Planning Organization as priority roads in need of improvement in the best interests of the citizens of Kingsport, Sullivan County and Washington County residents; and

WHEREAS, a short-term SR 126 Safety Improvement Project can be completed for an estimated \$4.8 million, providing immediate relief on a roadway that claims an average of two lives per year with more than 25 accidents in 2007 alone,

WHEREAS, the proposed SR 126 SIP fits cleanly within the Tennessee Department of Transportation's long-range \$90.3 million reconstruction plan set for 2020, while also meeting all necessary environmental requirements; and

WHEREAS, the primary focus in roadway planning and development is typically on the safe and efficient movement of traffic, providing access to developable and developing properties is an important state and local consideration; and

WHEREAS, completion of the widening and reconstruction of SR 93 at an estimated \$34.3 million from Sullivan Gardens Parkway to Interstate 81 can assist the state by opening new properties for development, removing increasingly heavy traffic volumes from the community of Fall Branch and alleviating short-to-midterm stress on the I-26/I-81 interchange, which isn't proposed for future reconstruction until 2023;

Now therefore,

**BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS  
FOLLOWS:**

**SECTION I.** That the City of Kingsport hereby sanctions and fully supports the efforts of the Northeast Tennessee Legislative Delegation to seek near term safety improvements to SR 126, full reconstruction of SR 126 at the soonest possible date, and the expansion and reconstruction of SR 93 to Interstate 81.

**SECTION II.** In its capacity and responsibility to ensure the health, safety and welfare of the citizens of Kingsport and Sullivan County, the City of Kingsport calls on Tennessee Department of Transportation to examine all possible funding sources for these projects, including the possible allocation of any federal infrastructure and

revitalization funding.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 16th day of December, 2008.

\_\_\_\_\_  
DENNIS R. PHILLIPS, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY, CITY ATTORNEY



## AGENDA ACTION FORM

### Consideration of an Ordinance Amending Ordinance Number 5694 as it Pertains to Health Insurance Premiums for City Retirees

To: Board of Mayor and Aldermen  
 From: John G. Campbell, City Manager

Agenda Form No.: AF-375-2008

Work Session: December 1, 2008

First Reading/ (Public Hearing Held):  
 December 2, 2008

Final Adoption: December 16, 2008

Staff Work: Campbell, Evans, Demming

Presentation: Campbell, Munsey, Evans

**Recommendation:** Approve the ordinance.

### **Executive Summary:**

The audit committee of the board of mayor and aldermen met on November 24, 2008 to review some possible adjustments to the contributions made by city retirees for their health insurance. Two proposals were considered by the committee. The proposals will be referred to as Option 1 and Option 2.

In Option 1, the option favored by the audit committee, retiree contributions for health insurance increases for eligible retirees<sup>1</sup> with 20 or more years of service by five (5%) percent more than the amount of an active employee's contribution. For those retirees with less than 20 years of service the contribution for health insurance would be increased by five (5%) percent more than the retirees with 20 or more years of service. Option 1 would look like this:

### **OPTION 1**

#### Retiree Years of Service      Percentage of Retiree Contribution Increase

20 years or more	5% more than active employees
5-19 years	5% more than 20 years or more

(Executive Summary continued on next page.)

### **Attachments:**

1. Ordinance

	<u>Y</u>	<u>N</u>
Joh	—	—
Mallicote	—	—
Marsh	—	—
Munsey	—	—
Shull	—	—
Shupe	—	—
Phillips	—	—

<sup>1</sup> An eligible retiree is defined in Ordinance No. 5540.